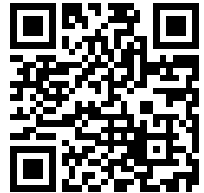

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STATUTORY
INSTRUMENTS
1964

Part II

Published by Authority



LONDON
HER MAJESTY'S STATIONERY OFFICE
1964

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PRINTED AND PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

To be purchased from

York House, Kingsway, LONDON, W.C.2	423 Oxford Street, LONDON, W.1
13a Castle Street, EDINBURGH, 2	109 St. Mary Street, CARDIFF
39 King Street, MANCHESTER, 2	50 Fairfax Street, BRISTOL, 1
35 Smallbrook, Ringway, BIRMINGHAM, 5	80 Chichester Street, BELFAST, 1

or from any Bookseller

1964

Price: each Part, £5 5s. 0d.: the Volume, complete, £15 15s. 0d.

PRINTED IN ENGLAND

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PREFACE

Scope and arrangement of the Volume

1. *The Annual Volume of Statutory Instruments* is published in pursuance of the Statutory Instruments Regulations 1947(a), reg. 10. It gives the full text of all statutory instruments registered in the year concerned(b) which were classified as general, and gives particulars of those which were classified as local (as to this classification, see para. 6, below). Other instruments are contained in the Appendix (as to which see para. 3, below).

2. From the start of the series in 1890 until 1960, the general instruments in the Annual Volume were arranged according to their subject headings. In and since the Annual Volume for 1961, however, they have been arranged according to their S.I. numbers, that is to say, in the order of their registration as statutory instruments. The change has made it possible to publish successive Parts of the Volume as the contents of each are completed, and so to obviate the (unavoidable) delays in publication of the complete Volume previously experienced. Each volume is now in three Parts, containing the instruments registered between 1st January and 30th April, 1st May and 31st August, and 1st September and 31st December respectively, and each part is normally published within four or five months of the closing date for the material included in it.

Contents of the Volume

3. **Parts I and II.** At the beginning of each of these Parts is a list of the instruments whose text is contained in that Part, showing their S.I. numbers, titles or descriptions, and subject headings(c). The list is followed by the text of the instruments in that particular Part, in two sections: the first consists of the statutory instruments registered in the relevant period, the second is an **Appendix of Instruments not Registered as S.I.** issued in that period.

This Appendix contains Orders in Council issued under the royal prerogative or otherwise outside the definition of a statutory instrument, Letters Patent under the Great Seal, and Instructions passed under the Royal Sign Manual and Signet, which relate to the constitutions or the currency of overseas territories, or to appeals to the Judicial Committee of the Privy Council. It also contains all Royal Proclamations which are legislative and instruments (not S.I.) relating to War Pensions.

(a) S.I. 1948/1 (Rev. XXI, p. 498: 1948 I, p. 4002).

(b) Reg. 3 of the Statutory Instruments Regulations 1947 provides for instruments to be numbered in a separate series for each calendar year. It is also the practice that instruments made by the Secretary of State for Scotland, and other instruments relating only to Scotland, bear a second number with the letter "S" prefixed. Those relating to procedure or fees in courts in England or Wales bear a second number with the letter "L" prefixed. Those relating to commencement dates of statutes or parts of statutes bear a second number with the letter "C" prefixed.

(c) These subject headings are those under which the statutory powers by virtue of which the instruments were made appear in the *Index to Government Orders* (as to which, see para. 9 below); and the same classification also determines the subject heading printed at the head of each instrument on the copies sold singly as Queen's Printer's copies.

At the end of each of these Parts is a Table showing the modifications to legislation and an Index. Each Table is confined to the instruments in its own Part. The Table gives particulars of those Public General Acts and instruments which have been amended, extended, excluded, repealed or revoked by instruments in the Part. The Index to Part II will be cumulative to both Parts.

4. **Part III.** At the beginning is a list of the instruments in Part III similar to the lists in Parts I and II. It is followed by the text of the instruments comprising Part III, in two sections, as in Parts I and II.

At the end of Part III are the features which are required by reg. 10 of the Statutory Instruments Regulations 1947 to be included in the Annual Volume of Statutory Instruments. They cover the instruments in all three Parts. In the order in which they occur in the Volume, they are as follows:—

The **Classified List of Local Instruments** gives particulars, the dates of making, and the S.I. numbers, of all local statutory instruments registered in the S.I. series of the year to which the Annual Volume relates. They are grouped in classes according to their subject-matter.

The **Tables.** “Table A” gives particulars of the Public General Acts of Parliament and “Table B” particulars of statutory and other instruments the operation of which was affected by the instruments appearing in the Volume. They include the appropriate part of the information (amended, repealed, revoked, etc.) already given in the “Table of Modifications to Legislation” in Parts I and II, and corresponding information with respect to the instruments in Part III, but also give particulars of Acts or instruments respectively applied, with or without modification, or restricted, by general instruments throughout the Volume. In addition, Table B gives particulars of general instruments whose operation was affected expressly by Public General Acts of the year in question, or which ceased to operate through becoming spent during that year as a result of legislation of the year.

The **Numerical and Issue List** shows, in order of S.I. numbers, other particulars of all general statutory instruments and all local instruments which were printed and put on sale by the Queen’s Printer of Acts of Parliament under the provisions of the Statutory Instruments Act 1946(a), during the year, with, in each case, the date of making and the date of first issue by H.M. Stationery Office.

The **Index** will be cumulative to Parts I and II.

Definition and classification of statutory instruments

5. To determine whether or not any instrument is required to be a statutory instrument, reference must be made to the Statutory Instruments Act 1946, s. 1, the Statutory Instruments Regulations 1947, reg. 2 (made under s. 8 (1) (d) of that Act) and the Statutory Instruments (Confirmatory Powers) Order 1947(b), arts. 1 and 2 (made under s. 9 (1) of the Act).

It will be observed that, by s. 1 (2) of the Act and reg. 2 (1) of the Regulations, the definition of what constitutes a statutory instrument, as respects instruments made under any Act passed before the commencement of the Statutory Instruments Act 1946, is governed by the definition of “statutory rules” and “rule-making authority” contained in the Rules Publication Act 1893(c), the Act which was repealed and replaced by the Act of 1946.

(a) 9 & 10 Geo. 6. c. 36.

(b) S.I. 1948/2 (Rev. XXI, p. 504: 1948 I, p. 4008).
(c) 56 & 57 Vict. c. 66.

6. All statutory instruments are required to be classified as general or local (a). Those which are in the nature of public general Acts of Parliament are classified as general and those which are in the nature of local and personal or private Acts are classified as local. Exceptionally, a very small number of instruments, relating for the most part to London, which fall within the second category are classified as general and their text is reproduced in the Annual Volume.

Citation

7. For purposes of citation, most statutory instruments are given a title. In addition, all statutory instruments may be identified by the year and number. The first instrument in Part I of this Volume would, by this method, be cited as "S.I. 1964/1". When a statutory instrument is referred to by its title in another statutory instrument, a lettered footnote is provided in the latter, giving the identification of the first instrument as above, and also its Part and page reference in the Annual Volume. The footnote reference for the same instrument would therefore be "S.I. 1964/1 (1964 I, p. 1)".

If the text of the instrument is set out in the most recent edition of *S.R. & O. and S.I. Revised* (Third Edition, as at 31st Dec., 1948) the footnote references give the volume reference in that edition as well as the page reference in the Annual Volume (see, for example, footnote (b) on the previous page). If a footnote contains the references of a number of instruments, they may in certain circumstances be run together, so as to give all the instrument numbers together and all the volume references together, e.g. "S.R. & O. 1946/157; S.I. 1948/1073, 1961/1942 (1946 II, p. 26; 1948 II, p. 13; 1961 III, p. 3650)".

Production in Court

8. Under the Documentary Evidence Act 1868(b), s. 2, prima facie evidence of certain instruments (which include all instruments registered as S.I.) may be given in courts of justice, etc., by (inter alia) the production of a copy purporting to be printed by the Government Printer. The Documentary Evidence Act 1882(c), s. 2, provides that the same result shall follow if a copy is produced which purports to be printed under the superintendence or authority of H.M. Stationery Office. Any Part of this Volume may therefore be tendered as prima facie evidence of the instruments whose text is reproduced in it.

Up to date information on statutory instruments

9. The *Index* (formerly "Guide") to *Government Orders* contains, under subject headings, summaries of all powers to make subordinate legislation conferred by statute on H.M. in Council, the Privy Council, government departments and certain other public bodies. Below each summary appear particulars of the general instruments made in exercise of it which were in force at the date of publication of the *Index*. Details are also given of certain instruments made under prerogative powers. The work contains also a Table of Statutes showing the subject headings under which references to particular sections of enabling Acts appear. (The *Index* is published every two years.)

(a) See Statutory Instruments Regulations 1947, reg. 4.
 (b) 31 & 32 Vict. c. 37. (c) 45 & 46 Vict. c. 9.

10. Information as to whether an instrument in any annual volume is still in operation may be obtained from a smaller publication, "*Numerical Table, S.R. & O. and S.I.*". This table, if kept up to date by means of its Supplements, shows all statutory instruments which were still in operation at 31st December last before the date of publication of the most recent of them. The edition current at the publication of this Volume is the second (H.M. Stationery Office, price 9s. 0d., net) recording instruments in force at 31st December, 1958. Supplements, which can be fixed into prepared guards in the binding, are published annually (H.M.S.O., 1s. 3d., net), with particulars of deletions and additions to be made for their respective years.

11. For particulars of the fate of instruments which have ceased to be in operation since 31st December, 1948 (the date of *S.R. & O. and S.I. Revised, Third Edition*) and have therefore been removed from the *Numerical Table, S.R. & O. and S.I.*, and also for particulars of any amendments to instruments which are still in operation, reference should be made to another publication, "*S.I. Effects*" (H.M.S.O.), published annually.

That publication shows which instruments have been revoked, which have been superseded, and which have become spent. Where any instrument has been amended, particulars of the articles, etc., affected are given; a reader who is interested only in particular provisions of the earlier instrument can ascertain from "*S.I. Effects*" whether or not he need consult the text of the amending instrument at all.

The editions covering the years 1949 to 1958 were cumulative; each reproduced the contents of previous editions as well as its own new material. Accordingly, "*S.I. Effects, 1958*" shows all annotations for those years. Editions since 1959 are cumulative to each other.

Publication

12. The Annual Volumes of S.I. are prepared under the direction of the Statute Law Committee.

Any suggestion or communication relating to them should be addressed to the Editor, Statutory Publications Office, Queen Anne's Chambers, 41, Tothill Street, S.W.1.

ABBREVIATIONS USED IN THE VOLUME

Adnl. Instructions	...	...	Additional Instructions.
A.S.	...	...	Act of Sederunt.
am., amdg., amdt.	...	...	amended, amending, amendment.
appl.	...	...	applied.
appx.	...	...	appendix.
art(s).	...	...	article(s).
bd(s).	...	...	board(s).
c.	...	...	chapter(s).
cl(s).	...	...	clause(s).
Cmd., Cmnd.	...	...	Command Paper.
cont.	...	...	continued.
ct(s).	...	...	court(s).
E.	...	...	England.
exc.	...	...	except, excepted.
excl.	...	...	excluded.
expl.	...	...	explained.
ext.	...	...	extended.
G.B.	...	...	Great Britain.
gen.	...	...	generally.
govt.	...	...	government.
H.C.	...	...	House of Commons Paper.
H.M.	...	...	Her Majesty, Her Majesty's.
incl.	...	...	including, included.
instrt.	...	...	instrument.
L.P.	...	...	Letters Patent.
Min(s).	...	...	Minister(s).
mod., mod(s).	...	...	modified, modification(s).
N.	...	...	North.
N.I.	...	...	Northern Ireland.
No.	...	...	number.
O.	...	...	Order(s).
O. in C., O. of C.	...	...	Order(s) in Council, Order(s) of Council
p., pp.	...	...	page(s).
para(s).	...	...	paragraph(s).
partic.	...	...	particular.
prerog.	...	...	prerogative.
prosp.	...	...	prospectively.
prov.	...	...	provisional, proviso.
pt.	...	...	part.
r., rr.	...	...	rule, rules.
R.C.	...	...	Rules of the Court of Session.
R. Instructions	...	...	Royal Instructions.
reg(s).	...	...	regulation(s).
rep.	...	...	repealed.
restr.	...	...	restricted.
retrosp.	...	...	retrospectively.
Rev.	...	...	Statutory Rules and Orders and Statutory Instruments Revised (Third Edition, 1948).
Rev. 1903	...	...	Statutory Rules and Orders Revised (Second Edition, 1903).
rev., revn.	...	...	revoked, revocation.
S.	...	...	Scotland.
s., ss.	...	...	section(s).
S.I.	...	...	statutory instrument(s).
S.R. & O.	...	...	statutory rule(s) and order(s).
sch(s).	...	...	schedule(s).
secy.	...	...	secretary.
subst.	...	...	substituted.
susp.	...	...	suspended.
temp.	...	...	temporarily.
transfd.	...	...	transferred.
Treas.	...	...	Treasury.
U.K.	United Kingdom of Great Britain and Northern Ireland.
vol.	volume.
W.	Wales.

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1964 No. 641

CIVIL AVIATION

**The Rules of the Air and Air Traffic Control
(Ninth Amendment) Regulations 1964**

Made - - - - - 1st May 1964
Coming into Operation 7th May 1964

The Minister of Aviation, in exercise of the powers conferred on him by Article 56(1) of the Air Navigation Order 1960(a), as amended(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Rules of the Air and Air Traffic Control (Ninth Amendment) Regulations 1964, and shall come into operation on 7th May 1964.

2. The Interpretation Act 1889(c) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. The Schedule to the Rules of the Air and Air Traffic Control Regulations 1960(d), as amended(e), shall be further amended as follows :—

(1) In Rule 37—

at the end of paragraph (2) there shall be added the following—

“ or, except in relation to Renfrew Airport, to flights made outside the notified hours of watch of the air traffic control unit at the aerodrome ” ;

in paragraph (3)—

in sub-paragraph (a), after the words “ shall not ” there shall be inserted the words “ during the notified hours of watch of the air traffic control unit at the aerodrome ” ;

in sub-paragraph (b), after the word “ zone ” there shall be inserted the words “ at any time during the said hours of watch ” ;

in paragraph (4)(b), after the word “ airspace ” there shall be inserted the words “ at any time during the said hours of watch ” ;

in paragraph (6)—

for the figure “ 1,000 ” wherever it occurs there shall be substituted the figure “ 1,250 ” ;

in sub-paragraph (a), after the words “ shall not ” there shall be inserted the words “ during the notified hours of watch of the air traffic control unit at the aerodrome ” ;

in sub-paragraph (b), after the word “ level ” there shall be inserted the words “ at any time during the said hours of watch ” ;

in paragraph (7)(b), after the word “ level ” there shall be inserted the words “ at any time during the said hours of watch ” .

(a) S.I. 1960/972 (1960 I, p. 599).

(b) There are no amendments which relate to the subject matter of these Regulations.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1960/1070 (1960 I, p. 711).

(e) The relevant amending instruments are S.I. 1961/527, 2366, 1962/1571, 1963/697, 1964 419 (1961 I, p. 1196; III, p. 4367; 1962 II, p. 1778; 1963 I, p. 852; 1964 I, p. 692).

(2) In Rule 37A—

in paragraph (1)—

for the words “between 500 feet and 4,500 feet” there shall be substituted the words—

“over the sea, between 500 feet and 4,500 feet,
elsewhere, between 1,000 feet and 4,500 feet.”;

for the words “from ground level to 500 feet” there shall be substituted the words—

“from the surface—

over the sea, to 500 feet above mean sea level,

elsewhere, to 1,000 feet above mean sea level.”;

after the word “Lympe” there shall be inserted the word “Airport”;

the following paragraph shall be added after paragraph (5)—

“(6) These special rules shall not apply in relation to any glider which remains at least one nautical mile horizontally and 1,000 feet vertically away from cloud, in a flight visibility of at least 5 nautical miles and outside those parts of the relevant airspace between the surface and 4,500 feet above mean sea level which fall within the areas specified in sub-paragraphs (i) and (ii) of paragraph (1) of this Rule.”

R. R. Goodison,

An Under Secretary of the Ministry
of Aviation.

1st May 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Rules of the Air and Air Traffic Control. The special rules for certain aerodromes, in Rule 37, are amended, in particular, so as to apply at some aerodromes only during the notified hours of watch of the air traffic control unit. The special rules for low-level cross-Channel air traffic in Rule 37A are also amended.

 STATUTORY INSTRUMENTS

1964 No. 654

IRON AND STEEL

The Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations 1964
Laid before Parliament in draft

Made - - - -	6th May 1964
Coming into Operation	12th May 1964

The Minister of Power in exercise of the powers conferred upon him by section 24 of the Iron and Steel Act 1953(a) hereby makes the following regulations :—

1. These regulations, which may be cited as the Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations 1964, shall come into operation on the sixth day after the date on which they are made and shall have effect from 1st January 1964.

2. The Iron and Steel (Compensation to Officers and Servants) (No. 2) Regulations 1953(b) shall have effect subject to the modifications specified in these regulations.

3. In regulation 3(1)(c) for the words "not later than ten years after the coming into operation of these regulations" there shall be substituted the words "not later than ten years after the relevant event".

4. In regulation 3(1)(e) for the words "the coming into operation of these Regulations" there shall be substituted the words "the coming into operation of the Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations 1964".

5. In regulation 9(d) for the words "not later than ten years after the coming into operation of these Regulations" there shall be substituted the words "not later than ten years after the relevant event".

Dated 6th May 1964.

F. J. Erroll,
Minister of Power.

 EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Iron and Steel (Compensation to Officers and Servants) (No. 2) Regulations 1953, provide that one of the conditions to be satisfied by a person claiming resettlement compensation for termination of employment is that the termination should have occurred not more than ten years after the coming into operation of those Regulations, i.e. not later than 31st December 1963.

 (a) 1 & 2 Eliz. 2. c. 15.

(b) S.I. 1953/1849 (1953 I, p. 895).

By substituting for that period a period of ten years from the exercise by the Iron and Steel Holding and Realisation Agency of their powers to secure the return of the employing company to private ownership (being the exercise which results in the loss of employment), the present Regulations extend the period during which claims for resettlement compensation may be made by persons who would otherwise have been prevented from doing so by reason of the postponement of the return of their employing company to private ownership. A necessary consequential extension is made to the time within which a claim must be put in.

Similarly, in the case of claimants for long term compensation, the present Regulations provide that one of the conditions to be satisfied is that the loss of employment or loss or diminution of emoluments or pension rights for which a claim is made must have occurred not later than ten years after the exercise by the Agency of their powers referred to above instead of ten years after the coming into operation of the 1953 Regulations, as hitherto provided.

These Regulations come into operation on the sixth day after their date and (under powers contained in Section 24(2) of the Iron and Steel Act 1953) are made to have effect retrospectively to 1st January 1964.

1964 No. 655

AGRICULTURE

**The Price Stability of Imported Products (Specified
Commodities) Order 1964**

Laid before Parliament in draft

Made - - - - 5th May 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(1) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, hereby make the following order—

1. This order may be cited as the Price Stability of Imported Products (Specified Commodities) Order 1964.

2.—(1) In this order—

“ the Act ” means the Agriculture and Horticulture Act 1964 ;

“ produce ” and “ related product ” have the meaning respectively assigned to them by section 1(10) of the Act ;

“ tariff heading ” means a heading of the Customs Tariff 1959 (as provided under section 1(4) of the Import Duties Act 1958(b)), and four figure references of the type “ 10.01 ” are references to tariff headings.

(2) In interpreting and applying this order any description of commodities specified in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule is to be taken to comprise all produce and related products which would be classified under the same description in that tariff heading.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. The commodities of the description specified in column 2 of the Schedule to this order shall be commodities in relation to which the powers conferred by section 1(2) of the Act may be exercised.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 5th May 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 5th May 1964.

Henry Brooke,
Secretary of State for the Home
Department.

SCHEDULE

SPECIFIED COMMODITIES

1. Tariff heading	2. Description
10.01	Wheat and meslin.
10.03	Barley.
10.04	Oats.
10.05	Maize other than sweet corn on the cob.
10.07	Grain sorghum.
11.01	Cereal flours other than rice flour.
11.02	Cereal groats, cereal meal, other worked cereals and germ of cereals other than:— (a) any products of rice; (b) blocked, pot and pearl barley.
23.02	Bran, sharps and other residues derived from the sifting, milling or working of cereals other than of rice.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order specifies certain cereals, cereal products and by-products in relation to which the Ministers may exercise powers conferred by section 1(2) of the Agriculture and Horticulture Act 1964 to make orders prescribing minimum price levels for imports into the United Kingdom and charging levies on imports in support thereof.

1964 No. 656

AGRICULTURE

HILL FARMING

The Hill Sheep (England and Wales) Scheme 1964

<i>Made - - - -</i>	<i>5th May 1964</i>
<i>Laid before Parliament</i>	<i>12th May 1964</i>
<i>Coming into Operation</i>	<i>13th May 1964</i>

The Minister of Agriculture, Fisheries and Food, in pursuance of sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme :—

Citation and commencement

1. This Scheme, which may be cited as the Hill Sheep (England and Wales) Scheme 1964, shall come into operation on 13th May 1964.

Application

2. This Scheme shall apply to England and Wales.

Interpretation

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

“the Act” means the Hill Farming Act 1946, as amended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963 or any other enactment ;

“hill land” has the meaning assigned to it by paragraph 8 of this Scheme ;

“the Minister” means the Minister of Agriculture, Fisheries and Food ;

“relevant day” means, in relation to the year 1963 and to each of the three next succeeding years, 2nd December ;

“shearling ewe” means a ewe whose age on the relevant day to which an application for subsidy payment relates, exceeds one year, but does not exceed two years ;

“subsidy payment” means any payment falling to be made in respect of any ewe or shearling ewe in accordance with the provisions of this Scheme.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 73.

(b) 1963 c. 11.

(c) 52 & 53 Vict. c. 63.

Subsidy payments

4. Subject to the provisions of this Scheme, the Minister may make a subsidy payment of such amount as may be prescribed by an Order made by the Minister in accordance with the provisions of section 14(3) of the Act in respect of any shearling ewe or any ewe more than two years old comprised on a relevant day in a flock of sheep kept on hill land, being sheep of a description and flock to which the Scheme applies, to the person who, at the beginning of that day, was maintaining that flock.

Person maintaining flock

5. For the purposes of this Scheme the person maintaining a flock of sheep is the person who owns or rents the flock and is responsible for its maintenance, provided that, where a flock of sheep includes ewes or shearling ewes taken into the flock for grazing under an agreement by which the person taking them in is entitled by way of payment to half the lamb crop, and half of the wool, or under any similar agreement, then, the person taking them in shall be deemed to be the person maintaining that flock.

Description of sheep

6.—(1) This Scheme shall apply to sheep of the following breeds :—

Cheviot, Dalesbred, Derbyshire Gritstone, Exmoor Horn, Herdwick, Lonk, Radnor, Rough Fell, Scottish Blackface, Shetland, Swaledale and Welsh Mountain, and such local breeds as the Minister may approve and to any crossbred ewe or shearling ewe derived solely from any of these breeds.

(2) Where in any particular case any sheep of the breeds referred to in the preceding subparagraph, or any such crossbred ewes or shearling ewes—

(a) are not of sufficiently hardy strain to be capable of living under natural conditions upon hill land for the greater part of the year, or

(b) except through illness, weakness after lambing or other good reason, do not conform to the requirements of paragraph 9 of this Scheme relating to the flock in which, but for the provisions of this subparagraph, they would be comprised,

such sheep shall be disregarded for the purposes of this Scheme.

Description of flocks

7. This Scheme shall apply to flocks of the following descriptions :—

Standard Rate Flocks—that is to say, breeding flocks of ewes and shearing ewes of a single breed or cross breed referred to in paragraph 6 which are kept (a) in regular ages so that there are at least three successive age groups, the youngest age group consisting of shearing ewes, and the two succeeding age groups consisting of ewes born respectively in the two lambing seasons preceding that in which the shearing ewes were born, and (b) so that a sufficient number of ewe lambs are bred, reared, and retained in the flock annually to maintain the number of breeding sheep in the flock without the introduction of ewes, shearing ewes or ewe lambs from outside the flock :

Provided that if the person maintaining the flock satisfies the Minister that any of the conditions set out at (a) and (b) above have not been fulfilled because of the small size of a flock, its recent formation, unavoidable and abnormal losses, or other exceptional circumstances, the flock may be treated as a Standard Rate Flock.

Reduced Rate Flocks—that is to say, flocks of a single breed or any cross breed referred to in paragraph 6, not being standard rate flocks, which otherwise satisfy the conditions of this Scheme, excluding flocks in which more than a small proportion of the ewes are mated with rams other than—

- (a) rams of any of the single breeds referred to in paragraph 6, or
- (b) rams of the following breeds for the production of crossbred ewes or lambs for sale:—

Border Leicester (including the blue-faced type of Leicester),
Wensleydale, Kerry Hill, Clun Forest, Llanwenog, Teeswater and
Devon Closewool.

Hill Land

8. In this Scheme the expression “hill land” means mountain and hill land in the areas specified in the Schedule to this Scheme which is suitable only for use for the maintenance of sheep of a hardy kind, provided that where land has been improved to an extent which renders it suitable for use for the maintenance of sheep other than a hardy kind the Minister may, if he is satisfied that the land was in its original and unimproved state suitable only for the maintenance of hardy sheep, regard such land as hill land for the purposes of the Scheme.

Management

9.—(1) It shall be a condition of the making of a subsidy payment in respect of any ewe or shearling ewe that it shall be one of a flock—

- (a) which is kept on hill land under natural conditions in accordance with the recognised practices of hill sheep farming,
- (b) which, except in severe weather or at lambing time, lives on the hill land by grazing, and
- (c) in which the ewes, when moved off the hill land for lambing, return to it with their lambs not later than the following 1st June and rear them on the hill land.

(2) The Minister may treat a flock as satisfying the requirements of the preceding subparagraph if, where any such requirement is not satisfied, the management of the flock in that respect conforms, in his opinion, to the recognised practice of hill sheep farming in the district, and such practice is not substantially different from the requirement.

Flying Flocks

10. No ewe or shearling ewe comprised in a flock in which a substantial proportion of the ewes or shearling ewes are kept for less than two breeding seasons shall be eligible for a subsidy payment.

Reduction in number of sheep eligible for subsidy payments on dispersal of flock

11. If at any time between a relevant day and 4th June next following the person who maintains a flock of sheep to which this Scheme applies, sells or otherwise disperses his flock, and in the opinion of the Minister the number of ewes or shearling ewes for which application for subsidy payments has been made exceeds the number which would have been eligible if the flock had not been dispersed, the Minister may reduce the number of ewes or shearling ewes in respect of which subsidy payments may be made to the number which in his opinion would have been eligible if the flock had not been dispersed.

Overstocking

12. If it appears to the Minister that any person has applied for subsidy payments for a number of ewes or shearling ewes exceeding the number which ought to be kept on the hill land on which they are grazed the Minister may reduce the number of ewes or shearling ewes in respect of which subsidy payments would otherwise be made to that person to the number which in his opinion may properly be kept on that land.

Application for subsidy payment

13. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme shall apply in writing in such form and at such time as the Minister may require.

Computation of numbers of sheep

14.—(1) Where it appears to him to be advisable for the better computation of the number of ewes or shearling ewes in respect of which payment may be made, the Minister may require an applicant for subsidy payments to collect together the flock in respect of which he has applied and to permit it to be counted by a duly authorised officer.

(2) In that event, the number of ewes or shearling ewes in respect of which subsidy payments may be made shall be the number of eligible ewes or shearling ewes so counted, adding a reasonable allowance for strayed sheep and for any reduction in the numbers of the flock during the period between the relevant day and the day on which the flock is counted and deducting a reasonable allowance for any increase in numbers during that period.

(3) An applicant shall facilitate such counting of sheep to the best of his ability.

Assignment of Subsidy Payments

15. Any reference in this Scheme to the person who was maintaining a flock of sheep at the beginning of a relevant day shall be construed as including a reference to any person who, if any subsidy payment which might lawfully be made under this Scheme in respect of ewes and shearling ewes comprised in the flock were a debt which had at the beginning of that day accrued due to the person maintaining the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture,
Fisheries and Food.

We approve on 5th May 1964.

John Hill,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE

The Administrative Counties of Chester, Cornwall, Cumberland, Derby, Devon, Durham, Hereford, Lancaster, Monmouth, Northumberland, Salop, Somerset, Stafford, Westmorland, York (North Riding), York (West Riding).

Any County Borough which is surrounded by or immediately adjoins any of the above-mentioned Administrative Counties.

Wales excluding Anglesey.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport)

The Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, provides that schemes may be made for subsidy payments in respect of hill sheep. This Scheme follows with minor changes the Hill Sheep (England and Wales) Scheme 1960. It is made by the Minister of Agriculture, Fisheries and Food with the approval of the Treasury and makes provision for subsidy payments in respect of flocks of ewes of mountain breeds (*including Dalesbred*) kept on hill land in certain counties of England and Wales (*excluding Worcester*) in accordance with the recognised practices of hill sheep farming. It defines "hill land" and the descriptions of sheep and flocks to which the Scheme applies. *Individual sheep which are not managed in accordance with hill farming practices are excluded from the Scheme.* The Scheme sets out the conditions under which the sheep must be kept, *taking into account recognised local practice*, and contains consequential provisions against overstocking; it also provides for the making of applications for subsidy payments, the counting of the number of sheep qualifying for subsidy payments, and other matters. The Scheme does not fix the amount to be paid by way of subsidy payment, which the Hill Farming Act 1946 requires the Minister to prescribe in a separate order; the amount for the season 1963-64 is fixed by the Hill Sheep Subsidy Payment (England and Wales) Order (S.I. 1964/657).

The principal changes from the previous scheme are set out above in *italics*.

1964 No. 657

AGRICULTURE

HILL FARMING

**The Hill Sheep Subsidy Payment (England and Wales)
Order 1964**

<i>Made</i>	5th May 1964
<i>Laid before Parliament</i>	12th May 1964
<i>Coming into Operation</i>	13th May 1964

The Minister of Agriculture, Fisheries and Food, in pursuance of section 14(3) of the Hill Farming Act 1946(a), as amended by section 8 of the Livestock Rearing Act 1951(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following order:—

1. This order may be cited as the Hill Sheep Subsidy Payment (England and Wales) Order 1964, and shall come into operation on 13th May 1964.

2. The Interpretation Act 1889(c) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. Subject to the provisions of the Hill Sheep (England and Wales) Scheme 1964(d), the amount which may be paid by way of subsidy payment under that scheme in respect of any ewe or shearling ewe in relation to 2nd December 1963 shall be, if the ewe or shearling ewe is comprised in a standard rate flock, £1 5s. 0d., or if the ewe or shearling ewe is comprised in a reduced rate flock, 12s. 6d.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th May 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

We approve on 5th May 1964.

*John Hill,
Ian MacArthur,*Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

The Hill Sheep (England and Wales) Scheme 1964 is made under the Hill Farming Act 1946, as extended by the Agriculture (Miscellaneous Provisions) Act 1963, and sets out the conditions on which subsidy payments may be made to persons maintaining sheep of a hardy kind on hill land. This order prescribes the amounts of such payments for the season 1963-64. The payments vary according to the method by which the number of sheep in a flock is maintained.

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order provides for the amendment of heading 41.08 of the Customs Tariff to include imitation patent leather, in accordance with a corrigendum to the Brussels Nomenclature approved by the Customs Co-operation Council.

It also introduces a new sub-heading for imitation patent leather within heading 41.08 with a full rate of import duty of 20% ad valorem, which has been the rate effectively applicable to importations of imitation patent leather. It reduces the E.F.T.A. rate from 8% to 3% ad valorem, which is the E.F.T.A. rate applicable to patent leather.

1964 No. 662

INDUSTRIAL ORGANISATION AND DEVELOPMENT**The Cotton Industry Development Council (Amendment No. 5)
Order 1964***Laid before Parliament in draft*

<i>Made - - - -</i>	<i>7th May 1964</i>
<i>Coming into Operation</i>	<i>14th May 1964</i>

Whereas the Board of Trade have in pursuance of the powers conferred upon them by section 1 of the Industrial Organisation and Development Act 1947(a) made the Cotton Industry Development Council Order 1948(b) (hereinafter referred to as "the principal Order"):

And whereas by virtue of section 8 of the said Act the Board of Trade have previously amended the said Order(c), and may by virtue thereof further amend the said Order:

And whereas by virtue of section 14(2) of the said Act an Order may provide that further activities, designated in such manner as appears to the Board to be requisite for preventing uncertainty, may be treated as included in the industry for which the Council is established:

And whereas the Board of Trade have consulted the Cotton Board and the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the industry and the organisations representative of persons employed in the industry appearing to the Board of Trade to be appropriate:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by sections 8 and 14(2) of the Industrial Organisation and Development Act 1947 hereby order as follows:—

1.—(1) For the purposes of the principal Order and subject to the following paragraphs of this Article—

- (a) the industry shall cease to be divided into the cotton section and the man-made fibre section,
- (b) the activities of spinning, doubling, weaving, finishing, making-up and packing and converting, so far as carried out in Great Britain in the course of the manufacture of yarn, thread or fabric made of silk or mixtures of silk and other materials, shall to the extent hereinafter provided be treated as included in the industry, and

(a) 10 & 11 Geo. 6. c. 40.

(b) S.I. 1948/629 (Rev. V, p. 87; 1948 I, p. 1623).

(c) S.I. 1951/2173, 1953/421, 1957/508, 1961/899 (1951 I, p. 1125; 1953 I, p. 862; 1957 I, p. 1174; 1961 II, p. 1713).

(c) the functions hitherto exercisable by the Cotton Board in relation to the cotton section of the industry shall be exercisable in relation to the industry as a whole.

(2) For the purpose of giving effect to and defining the provisions of paragraph (1), the provisions of the principal Order, as amended, specified in column 1 of Schedule I shall have effect subject to the amendments specified in column 2 of that Schedule.

(3) The provisions of the foregoing paragraphs of this Article shall not have effect in relation to the imposition or recovery of any charge imposed by the Cotton Board by virtue of Article 6 of the principal Order, in respect of a period commencing before 1st April 1964.

(4) In accordance with the provisions of paragraphs (1) and (2) of this Article and without prejudice to the provisions of paragraph (3) thereof the principal Order shall have effect as set out in Schedule II hereto.

2.—(1) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Cotton Industry Development Council (Amendment No. 5) Order 1964, and shall come into operation seven days after the day on which it is made.

David Price,
Parliamentary Secretary to the
Board of Trade.

7th May 1964.

SCHEDULE I

AMENDMENTS TO THE COTTON INDUSTRY DEVELOPMENT COUNCIL ORDER 1948, AS AMENDED

<i>Column 1</i>	<i>Column 2</i>
<i>Provision Amended</i>	<i>Amendment</i>
Article 1 	In paragraph (1) for sub-paragraphs (a) and (b) there shall be substituted the following:— “the functions specified in the Second Schedule hereto”.
Article 4 	After paragraph (1) there shall be added the following paragraph— “(1A) Every person carrying on business in the industry, as extended by the provisions of the Cotton Industry Development Council (Amendment No. 5) Order 1964, on the date of operation of that Order and who was not carrying on business in the industry for the purposes of the principal Order as having effect immediately before that date, shall within one month thereof make an application to the Board to be registered.”.
	After the references to paragraph (1) in paragraphs (3) and (7) there shall be added references to paragraph (1A).

Column 1	Column 2
<i>Provision Amended</i>	<i>Amendment</i>
Article 6	In paragraph (4), sub-paragraph (a) and the words "of each section" in sub-paragraph (b) shall be omitted. For paragraph (7) there shall be substituted the following:— " (7) The rates of any charge fixed for the purposes of paragraph (5) or paragraph (6) of this Article in respect of any activity shall be the same for all persons carrying on that activity." Paragraph (16) shall be omitted.
Schedule 1	The words in the heading "and the sections thereof" shall be omitted, and for references to the Wages Council Act 1945(a) there shall be substituted references to the Wages Councils Act 1959(b).
Paragraph 1(2)	After the words "staple rayon fibre" there shall be inserted the words "waste silk fibre" and for the words "a mixture of those fibres" there shall be substituted "a mixture of those fibres or of any two of them".
Paragraph 1(4)	(i) After the word "spinning" wherever it occurs there shall be inserted the word "throwing". (ii) After the words "rayon thread" wherever they occur there shall be inserted the words "or raw silk". (iii) After the words "a mixture of such yarn and such thread" there shall be inserted the words "or of one or both of those materials and raw silk".
Paragraph 2	This paragraph shall be omitted.
Paragraph 3	There shall be added the following definitions:— " (f) 'raw silk' means the combined filaments obtained in the process of reeling from cocoons ; (g) 'silk' means fibrous matter secreted in the formation of cocoons by silk worms ; (h) 'waste silk fibre' means waste obtained from cocoons or from any process ; (i) 'throwing' means the production of yarn by the subjection of raw silk to the process of twisting together two or more

Column 1	Column 2
<i>Provision Amended</i>	<i>Amendment</i>
Paragraph 3 (<i>cont.</i>)	<p>threads or of inserting additional twist ; and the further subjection of raw silk so processed to one or both those processes ; and the subjection of yarn produced by any of the foregoing processes to any of the processes commonly known as gassing, reeling, warping, beaming and winding, except insofar as the treatment of yarn by any of the last named processes is performed on machinery which forms a subsidiary part of, and is situated in the same mill as plant operated by workers subject to Wages Regulation Orders made under the Wages Councils Act 1959 pursuant to proposals by the Rope, Twine and Net Wages Council, the Flax and Hemp Wages Council or the Jute Wages Council, and such treatment is ancillary to the main operations conducted on such plant :</p> <p style="padding-left: 40px;">Provided that throwing shall not include the subjection of yarn to any of the said processes by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business."</p>
Schedule 2	<p>The Schedule shall cease to be divided into Part I and Part II and paragraphs 2 to 11 in Part II shall be renumbered 12 to 21 respectively.</p> <p>The headings to Part I and Part II shall be omitted and there shall be inserted as a heading to the Schedule the words " Functions of the Cotton Board ".</p> <p>References to " the cotton section of the industry " shall be construed as references to " the industry ".</p>

SCHEDULE II

THE COTTON INDUSTRY DEVELOPMENT COUNCIL ORDER 1948, AS AMENDED

Establishment of Development Council

1.—(1) There is hereby established for the industry consisting of the activities specified in Schedule I hereto (hereinafter referred to as " the industry ") a development council to be known as the Cotton Board (hereinafter referred to as " the Board ") to which are assigned the functions specified in Schedule 2 hereto.

(2) The Board shall exercise their functions in such manner as appears to them to increase efficiency and productivity in the industry as much as possible, to improve and develop the service that it renders to the community and to enable it to render that service more economically and shall have regard to anything being done by any Government Department or other body with a view to avoiding a duplication of work.

(3) The Board may enter into such agreements, acquire such property and do such things, as may in the opinion of the Board be necessary or desirable for the exercise of any of their functions, and may dispose as they think fit of any property acquired by them.

Constitution of Cotton Board

2. The Board shall consist of the following members appointed by the Board of Trade that is to say :—

- (1) four persons capable of representing the interests of persons carrying on business in the industry comprising
 - (a) one person capable of representing the interests of persons carrying on the business of spinning and of persons carrying on the business of doubling,
 - (b) one person capable of representing the interests of persons carrying on the business of weaving,
 - (c) one person capable of representing the interests of persons carrying on the business of finishing, and
 - (d) one person capable of representing the interests of persons carrying on the business of converting ;
- (2) four persons capable of representing the interests of persons employed in the industry, comprising :—
 - (a) two persons capable of representing the interests of persons employed in the industry in spinning and of persons employed in the industry in doubling,
 - (b) one person capable of representing the interests of persons employed in the industry in weaving, and
 - (c) one person capable of representing the interests of persons employed in the industry in finishing ; and
- (3) three persons as to whom the Board of Trade are satisfied that they have no such financial or industrial interest as is likely to affect them in the discharge of their functions as members of the Board (hereinafter referred to as "independent members").

Matters relating to membership and proceedings of the Board

3. The provisions of Schedule 3 hereto shall have effect in relation to the membership and proceedings of the Board.

Registration of persons carrying on business in the industry

4.—(1) Every person carrying on business in the industry on the first day of April, 1948, shall within one month thereof make an application in writing to the Board to be registered and every person who, after the first day of April, 1948, commences to carry on business in the industry shall so apply within one month of so commencing.

(1A) Every person carrying on business in the industry, as extended by the provisions of the Cotton Industry Development Council (Amendment No. 5) Order 1964, on the date of operation of that Order and who was not carrying on business in the industry for the purposes of the principal Order as having effect immediately before that date, shall within one month thereof make an application to the Board to be registered.

(2) The Board shall enter in a register to be kept by them the name of every person who has made an application to be registered as aforesaid, the business name (if any) under which he carried on business in the industry, the principal place of such business and the activities comprised in the industry carried on by him. No information relating to persons so carrying on business other than that mentioned in this paragraph shall be entered in the register.

(3) Any person required by paragraph (1) or (1A) hereof to make an application to be registered shall, if so requested by the Board, within such time and in such form as they may specify, furnish such information as the Board may require to make or complete the entry in the register relating to him, as the case may be.

(4) Any person whose name is entered in the register shall notify the Board forthwith of any matter rendering the entry in the register relating to him inaccurate or incomplete.

(5) The Board shall, on receipt of any such notification as is referred to in paragraph (4) hereof, amend the register in accordance therewith.

(6) The Board may, if they have reasonable cause to believe that any person whose name is entered in the register no longer carries on business in the industry, by notice in writing inform that person of their intention to remove his name from the register unless within a period of one month from the date of the notice he gives notice in writing to the Board that he is a person so carrying on business, and if no such notice is received by the Board within the said period the Board may on the expiration of that period remove his name from the register.

(7) Any person who fails to comply with any of the requirements of paragraphs (1), (1A), (3) or (4) hereof shall, unless he proves that he had reasonable cause for the failure, be liable on summary conviction to a fine not exceeding fifty pounds.

(8) The register shall be kept at the office of the Board and any person shall, on payment of a fee of one shilling, be entitled to inspect the said register during normal business hours and to take, or be supplied with, a copy of any one entry therein.

Returns and information

5. The Board may require any person carrying on business in the industry to furnish such returns and information relating to activities comprised in the industry carried on by him, including information with respect to the productive capacity, capital assets, staff, output, orders, sales, deliveries, stocks and costs, as appear to the Board to be required for the exercise of any of their functions: so, however, that the Board shall not exercise the powers conferred under this Article generally as regards the industry or any section thereof unless the Board of Trade have consented to such exercise and have approved the form in which the returns or other information will be required to be furnished.

Levies

6.—(1) The Board may with the approval of the Board of Trade impose on all persons who are registered in pursuance of this Order as carrying on business in the industry, a charge of one pound each in respect of each year.

(2) The Board may with the approval of the Board of Trade impose on all persons carrying on any one or more of the activities mentioned in paragraph (5) of this Article, a charge, calculated in relation to each such person in accordance with the provisions of that paragraph, in respect of each period of six months ending on the 30th day of September and the 31st day of March respectively in every year.

(3) The Board may with the approval of the Board of Trade impose on all persons carrying on the activity of converting fabric a charge, calculated in relation to each such person in accordance with the provisions of paragraph (6) of this Article, in respect of each year.

(4) The rates of any charge imposed under paragraph (2) or paragraph (3) of this Article shall be fixed by the Board so as to ensure that the total charges

imposed in any year under those paragraphs in respect of the activities (other than making-up and packing) of the industry are payable as near as possible in the following proportions:—

- 32 per cent. in respect of the activity of spinning other than waste spinning ;
- 1½ per cent. in respect of the activity of waste spinning ;
- 6½ per cent. in respect of the activity of doubling ;
- 30 per cent. in respect of the activity of weaving ;
- 17½ per cent. in respect of the activity of finishing ; and
- 12½ per cent. in respect of the activity of converting.

(5) Any charge imposed by the Board under the provisions of paragraph (2) of this Article on persons carrying on any one or more of the activities mentioned in this paragraph, shall be calculated, in relation to each such person, by reference to the period in respect of which that charge is imposed, as follows:—

- (a) in respect of the activity of spinning (other than waste spinning) carried on by him, on the average number of spindles, calculated in accordance with the method specified by the Board in pursuance of head (b) of paragraph (9) of this Article, in use by him for that activity during that period, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle ;
- (b) in respect of the activity of waste spinning carried on by him, on the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such spindle so that the rate in respect of a ring spindle shall be one and a half times that of a mule spindle ;
- (c) in respect of the activity of doubling carried on by him, on the number of spindle units computed, in accordance with the provisions of Part I of Schedule 4 hereto, by reference to the number of spindles installed for that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit ;
- (d) in respect of the activity of weaving carried on by him, on the number of loom units computed, in accordance with the provisions of Part II of Schedule 4 hereto, by reference to the number of looms gaited up or stopped for immediate gaiting for the purpose of that activity, on premises used by him in the course of carrying on that activity, on such day during that period as the Board may determine, at a rate fixed by the Board in respect of each such unit ;
- (e) in respect of the activity of finishing carried on by him, on the amount of wages paid by him during that period in respect of that activity, at a rate fixed by the Board in respect of each £100 or part thereof ; and
- (f) in respect of the activity of making-up and packing carried on by him, £2 10s. 0d. in respect of that period.

(6) Any charge imposed by the Board under the provisions of paragraph (3) of this Article on persons carrying on the activity of converting fabric shall be calculated, in relation to each such person, by reference to the year in respect of which that charge is imposed, on the quantity of fabric converted by him during that year, at a rate fixed by the Board in respect of each 20,000 square yards:

Provided that no account shall be taken, for the purposes of this paragraph, of any quantity of fabric converted by him during that year in excess of 10,000,000 square yards.

(7) The rates of any charge fixed for the purposes of paragraph (5) or paragraph (6) of this Article in respect of any activity shall be the same for all persons carrying on that activity.

(8) Charges imposed by the Board under paragraphs (1), (2) and (3) of this Article shall be computed so as to yield not more than £525,000 in any year.

(9) As soon as may be after the Board of Trade have approved the imposition of a charge under paragraph (1), paragraph (2) or paragraph (3) of this Article, the Board shall, by notice given in such manner as they think best adapted for informing the persons affected, specify, so far as is relevant as respects that charge—

- (a) the period in relation to which the charge is imposed ;
- (b) for the purposes of head (a) of paragraph (5) of this Article, the method of calculation of the average number of spindles in use during the period in relation to which that charge is to be calculated ;
- (c) the respective days determined by the Board for the purposes of heads (b), (c) and (d) of paragraph (5) of this Article ;
- (d) the respective rates fixed by the Board for the purposes of heads (a), (b), (c), (d) and (e) of paragraph (5), and of paragraph (6), of this Article ; and
- (e) the date on which the charge becomes payable.

(10) Every person on whom a charge is imposed under paragraph (1) of this Article in respect of any year shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on which that charge becomes payable, the sum of one pound :

Provided that if such a person is required to pay an amount in respect of any other charge imposed for that year or for a period during that year and the total amount which he is so required to pay is—

- (a) not less than one pound, he shall not be under any liability in respect of the charge imposed under paragraph (1) of this Article for that year ;
- (b) less than one pound, that liability shall be reduced by that total amount.

(11) Every person on whom a charge is imposed under paragraph (2) or paragraph (3) of this Article shall pay to the Board, on or before the date specified in the notice given under paragraph (9) of this Article as the date on which the charge becomes payable, a sum calculated in relation to him and in respect of that charge in accordance with the relevant provisions of this Article.

(12) The Board may by notice in writing require any person carrying on business in the industry—

- (a) to furnish such returns and other information ;
- (b) to keep such records ; and
- (c) to produce for examination on behalf of the Board such books and other documents and records in his custody or under his control,

relating to the business carried on by him in the industry as appear to the Board to be necessary for the purposes of the imposition or recovery under this Order of any charge.

(13) Any two or more persons jointly carrying on business in the industry shall, in so far as it is material for the purposes of this Article to ascertain the amount of any sum payable by them to the Board, be treated as constituting together a single person.

(14) Any sum payable under this Order shall be recoverable by the Board as a debt.

(15) In this Article the following expressions have the meanings respectively assigned to them :—

“ mule spindles ” means spindles designed to be used for spinning single yarn on the intermittent spinning machine commonly known in the industry as the mule ;

“ring spindles” means spindles designed or adapted for use in spinning single yarn on a continuous spinning machine with the aid of the mechanism commonly known in the industry as a traveller and ring, or designed or adapted to be so used with the aid of the mechanism commonly known in the industry as a flyer and includes spindles commonly known in the industry as Chapon spindles ;

“spinning”, “doubling”, “weaving”, “finishing”, “making-up and packing” and “converting” have the meanings respectively assigned to them by Schedule 1 hereto ;

“waste spinning” means spinning without the use of the mechanical device commonly known in the industry as a draw-frame ;

“wages” means wages of workpeople, before deduction of National Insurance contributions and income tax, and includes overtime, holiday credits and guaranteed week payments, and “workpeople” includes foremen, but does not include managers, managerial staff, laboratory staff or office staff ;

“year” means a period of twelve consecutive months beginning on the first day of April.

Borrowing Powers

7.—(1) The Board may for the purpose of defraying any of their expenses borrow money temporarily from bankers or otherwise :

Provided that the aggregate of the amounts outstanding in respect of sums so borrowed shall not at any time, except after consultation with the prescribed organisations and with the approval of the Board of Trade, exceed twenty thousand pounds.

(2) In this Article the expression “prescribed organisations” means such organisations representative of persons carrying on business in the industry and such organisations representative of persons employed in the industry as the Board of Trade may prescribe.

Returns and information and production of books

8.—(1) Any person carrying on business in the industry who is required by notice in writing by the Board to furnish returns or other information relating to activities comprised in the industry or to produce for examination books or other documents or records relating to such activities shall furnish in such form and manner and within such time such returns or information relating to such activities, as may be specified in the notice or, as the case may be, produce at such time such books or other documents or records relating to such activities as may be so specified ; so however that a person who uses in his business what he claims to be a secret process that ought not to be disclosed on the ground of risk of prejudice to his business shall not be required by anything in this Article to disclose particulars relating to the process unless the requirement and the form thereof have been approved by the Board of Trade after consideration of his claim.

(2) Where a requirement is imposed by the Board under the provisions of this Order to furnish returns or other information relating to an individual business or to produce for examination books or other documents or records, the Board shall ensure that the returns or other information shall be furnished to, or the examination done by, independent members of the Board designated by the Board of Trade or to or by officers of the Board specially authorised in that behalf by the Board.

Penalties

9.—(1) If any person required to furnish returns or information or to produce for examination books or other documents or records under this Order fails to furnish or produce them in accordance with the requirement he shall, unless he proved that he had reasonable excuse for the failure, be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If the failure in respect of which a person is convicted under the last foregoing paragraph is continued after the conviction he shall be guilty of a further and continuing offence and liable on summary conviction to a fine not exceeding five pounds in respect of each day during which the failure continues.

(3) If any person in purporting to fulfil the requirement to furnish returns or information knowingly 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 fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or, in either case, to both such imprisonment and such fine.

Interpretation and short title

10.—(1) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

SCHEDULE 1

Definition of the Industry

1.—(1) The industry shall consist of the activities, so far as carried on in Great Britain, of spinning, doubling, weaving, finishing, making-up and packing and converting as hereinafter defined.

(2) "Spinning" means the production from fibre of single yarn containing not less than 95 per cent. by weight of cotton fibre (including waste from whatever process arising), staple rayon fibre, waste silk fibre or a mixture of those fibres or of any two of them; and the subjection of yarn so produced to any of the processes commonly known as gassing, reeling, warping, beaming and winding, except in so far as the treatment of yarn by that process is performed on machinery which forms a subsidiary part of and is situated in the same mill as

(a) plant operated by workers subject to Wages Regulation Orders made under the Wages Councils Act 1959 pursuant to proposals by the Jute Wages Council, or

(b) plant used for the production of lace, lace net, lace curtains, embroidery, hosiery or narrow fabrics,

and such treatment is ancillary to the main operations conducted on such plant:

Provided that spinning shall not include the production of such yarn or the subjection of such yarn to any such process by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business.

(3) "Doubling" means the subjection of yarn produced by spinning to the process of twisting together two or more threads or of inserting additional twist; and the further subjection of yarn produced by spinning and so processed to one or both of those processes; and the subjection of yarn produced by any of the foregoing processes to any of the processes commonly known as gassing, reeling, warping, beaming or winding, except in so far as the treatment of yarn by any of the last named processes is performed on machinery which forms a subsidiary part of, and is situated in the same mill as—

(a) plant operated by workers subject to Wages Regulation Orders made under the Wages Councils Act 1959 pursuant to proposals by the Rope, Twine and Net Wages Council, the Flax and Hemp Wages Council or the Jute Wages Council, or

(b) plant used for the production of lace, lace net, lace curtains, embroidery, hosiery or narrow fabrics,

and such treatment is ancillary to the main operations conducted on such plant:

Provided that doubling shall not include the subjection of yarn to any of the said processes—

(i) by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business; or

(ii) for the purpose only of producing wicks for candles.

(4) "Weaving" means—

(a) the production on looms connected with mechanical power of fabrics containing not less than 85 per cent. by weight of yarn produced by spinning, throwing or doubling or continuous filament rayon thread or raw silk or a mixture of such yarn and such thread or of one or both of those materials and raw silk ; and

(b) the preparation of warp and weft for looms—

(i) from yarn produced by spinning, throwing or doubling ; and

(ii) from continuous filament rayon thread or raw silk by any person carrying on the business of weaving as defined in sub-paragraph (a) hereof for use by him in the course of that business ;

Provided that weaving shall not include the production of—

(a) lace, lace net, lace curtains, fishing net, embroidery or narrow fabrics or the preparation of warp and weft by a person carrying on the business of manufacturing narrow fabrics for use by him in the course of that business ;

(b) fabrics containing more than 15 per cent. by weight of processed animal fibre.

(5) "Finishing" means—

(a) the subjection of the following articles namely raw cotton, cotton waste, rovings, yarn produced by spinning or doubling or fabrics produced by weaving to any of the processes commonly known as scouring, bleaching, mercerising, tinting, dyeing, printing, embossing, schreiner, beetling, calendering, raising, stentering, shrinking, cropping, shearing, singeing, filling, pressing and proofing, or to any other similar process which effects a change in the appearance or characteristics of those articles ; and

(b) the cutting of loops of pile fabrics produced by weaving :

Provided that finishing shall not include—

(i) the subjection of cotton waste or yarn produced by spinning or doubling to any such process by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business ; or

(ii) the subjection to any such process of any raw cotton or cotton waste which is not subsequently subjected to spinning ; or

(iii) the subjection of raw cotton or cotton waste to any such process by a person carrying on the business of manufacturing staple rayon fibre or continuous filament rayon thread for use by him in the course of that business ; or

(iv) the subjection of yarn produced by spinning or doubling to any such process in the course of a business of manufacturing sewing thread ; or

(v) the coating or impregnation of cloth for the production of oil baize, other oil cloth or leather cloth ; or

(vi) rubber proofing, or the proofing of articles by means of plant operated by workers subject to Wages Regulation Orders made under the Wages Councils Act 1959 pursuant to proposals by the Made-up Textiles Wages Council.

(6) "Making-up and packing" means doing on behalf of other persons being persons who carry on business in the industry by way of spinning, doubling, weaving, finishing or converting the following things—

(a) making-up, that is to say, the cutting, rolling or manipulation, into different lengths, folds or shapes, of articles produced by spinning, doubling, weaving or finishing, or the ticketing, tying, parcelling, stamping or marking of such articles for dispatch to a wholesale or retail distributor or to a person carrying on business by way of spinning, doubling, weaving, finishing or converting, or for exportation, and

(b) packing, that is to say, the packing of any such articles as aforesaid, or any articles produced by making-up, into packages suitable for such dispatch as aforesaid or suitable for exportation.

(7) "Converting" means causing, by the owner thereof, yarn produced by spinning or doubling or fabric produced by weaving to be subjected (whether by persons employed by him or by other persons for him on commission) to any of the processes of finishing.

2. In this Schedule—

- (a) "narrow fabrics" means fabrics not exceeding eighteen inches in width with two self edges ;
- (b) "processed animal fibre" means fibre (other than hatters' fur) from the coat or fleece of alpaca, camel, goat, hare, lamb, llama, rabbit, sheep or vicuna which has been subjected to any process of manufacture or recovery ;
- (c) "rayon yarn" means continuous filament rayon thread or yarn spun from staple rayon fibre ;
- (d) "staple rayon fibre" means staple rayon fibre not exceeding three inches in length and includes waste rayon fibre ;
- (e) any reference to rayon fibre, thread or yarn shall include a reference to any other manufactured textile fibre, that is to say fibre which is not the natural growth of a plant or the hair or fleece of an animal or to thread or yarn manufactured otherwise than from such natural fibre, as the case may be, but does not include a reference to asbestos or silk fibre, thread or yarn ;
- (f) "raw silk" means the combined filaments obtained in the process of reeling from cocoons ;
- (g) "silk" means fibrous matter secreted in the formation of cocoons by silkworms ;
- (h) "waste silk fibre" means waste obtained from cocoons or from any process ;
- (i) "throwing" means the production of yarn by the subsection of raw silk to the process of twisting together two or more threads or of inserting additional twist ; and the further subsection of raw silk so processed to one or both those processes ; and the subsection of yarn produced by any of the foregoing processes to any of the processes commonly known as gassing, reeling, warping, beaming and winding, except insofar as the treatment of yarn by any of the last named processes is performed on machinery which forms a subsidiary part of, and is situated in the same mill as plant operated by workers subject to Wages Regulation Orders made under the Wages Councils Act 1959 pursuant to proposals by the Rope, Twine and Net Wages Council, the Flax and Hemp Wages Council or the Jute Wages Council, and such treatment is ancillary to the main operations conducted on such plant :

Provided that throwing shall not include the subsection of yarn to any of the said processes by a person carrying on the business of manufacturing wool textiles for use by him in the course of that business.

SCHEDULE 2

Functions of the Cotton Board

1. Promoting or undertaking inquiry as to equipment, methods of production, management and labour utilisation including the discovery and development of new equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale.

2. Promoting or undertaking research into matters affecting industrial psychology.

3. Promoting the training of persons engaged or proposing engagement in the industry and their education in technical or artistic subjects relevant thereto.
4. Promoting the adoption of measures for securing safer and better working conditions, and the provision and improvement of amenities for persons employed, and promoting or undertaking inquiry as to such measures.
5. Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.
6. Promoting or undertaking arrangements for encouraging the entry of persons into the industry.
7. Promoting the improvement of accounting and costing practice and uniformity therein, including the formulation of standard costings.
8. Promoting or undertaking the collection and formulation of statistics.
9. Advising on any matters relating to the industry (other than remuneration or conditions of employment) as to which the Board of Trade may request the Board to advise and undertaking inquiry for the purpose of enabling the Board so to advise.
10. Undertaking arrangements for making available information obtained, and for advising, on matters with which the Board are concerned in the exercise of any of their functions.
11. Promoting or undertaking scientific research.
12. Promoting or undertaking inquiry as to materials including the discovery and development of new materials, and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale.
13. Promoting or undertaking measures for the improvement of design, including promoting or undertaking the establishment and operation of a design centre.
14. Promoting the production and marketing of standard products.
15. Promoting the better definition of trade descriptions and consistency in the use thereof.
16. Undertaking the certification of products, the registration of certification trade marks and the functions of the proprietors of such marks.
17. Promoting or undertaking research for improving arrangements for marketing and distributing products.
18. Promoting or undertaking research into matters relating to the consumption or use of goods supplied by the industry.
19. Promoting arrangements for co-operative organisations for supplying materials and equipment, for co-ordinating production, and for marketing and distributing products.
20. Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.
21. Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods supplied by the industry and methods of using them.

SCHEDULE 3

Membership

1. The appointment of a member of the Board shall be for such term as may be determined by the Board of Trade, and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member, as varied with his consent at any time thereafter.
2. A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of the Commons House of Parliament.

3. If a member appointed as an independent member—

- (a) commences or resumes carrying on business in the industry, or acts in the management of any undertaking the owner of which as such carries on business in the industry, or
- (b) refuses to sell or dispose of any interest or security held directly or indirectly for his benefit and the retention of which he has been informed by the Board of Trade to be in their opinion likely to affect him in the discharge of his functions, or fails to sell or dispose of any such interest or security within one month after having been requested by the Board of Trade so to do,

the Board of Trade may declare the office of such member to be vacant.

4. There shall be paid by the Board—

- (a) to the independent members of the Board, or to any of them, such remuneration (whether by way of salaries or by way of fees) as may be determined by the Board of Trade, and on the retirement or death of the Chairman of the Board, such pension or gratuity to him or to others by reference to his service as may be so determined ; and
- (b) to all members of the Board such allowances for expenses as may be so determined.

Proceedings

5. The Board may act notwithstanding a vacancy among the members thereof and at any meeting of the Board three or such greater number as the Board shall determine shall be the quorum.

6. If at any meeting of the Board the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

7. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read be evidence of the proceedings at the first mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

8. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Board of Trade the address of that office and any change of that address.

Execution and Issue of Instruments

9. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

10. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorised by them for the purpose.

11. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any person authorised to act in that behalf, shall until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

SCHEDULE 4

PART I

For the purposes of head (c) of paragraph (5) of Article 6 hereof spindle units shall be calculated as follows:—

(1) a ring spindle or a flyer spindle—

Of a diameter of not more than $1\frac{1}{2}$ inches shall be 1.77 units.

Of a diameter of more than $1\frac{1}{2}$ inches but not more than 2 inches shall be 1.96 units.

Of a diameter of more than 2 inches but not more than $2\frac{1}{2}$ inches shall be 2.25 units.

Of a diameter of more than $2\frac{1}{2}$ inches but not more than 3 inches shall be 2.90 units.

Of a diameter of more than 3 inches but not more than $3\frac{1}{2}$ inches shall be 3.56 units.

Of a diameter of more than $3\frac{1}{2}$ inches but not more than 4 inches shall be 3.89 units.

Of a diameter of more than 4 inches but not more than $4\frac{1}{2}$ inches shall be 4.22 units.

Of a diameter of more than $4\frac{1}{2}$ inches but not more than 5 inches shall be 4.61 units.

Of a diameter of more than 5 inches but not more than $5\frac{1}{2}$ inches shall be 5.04 units.

Of a diameter of more than $5\frac{1}{2}$ inches but not more than 6 inches shall be 5.54 units.

Of a diameter of more than 6 inches but not more than $6\frac{1}{2}$ inches shall be 6.11 units.

Of a diameter of more than $6\frac{1}{2}$ inches but not more than 7 inches shall be 6.48 units.

Of a diameter of more than 7 inches but not more than $7\frac{1}{2}$ inches shall be 7.05 units.

Of a diameter of more than $7\frac{1}{2}$ inches but not more than 8 inches shall be 7.43 units.

Of a diameter of more than 8 inches but not more than $8\frac{1}{2}$ inches shall be 7.80 units.

Of a diameter of more than $8\frac{1}{2}$ inches but not more than 9 inches shall be 8.18 units.

Of a diameter of more than 9 inches but not more than $9\frac{1}{2}$ inches shall be 8.56 units.

Of a diameter of more than $9\frac{1}{2}$ inches shall be 8.94 units.

(2) a twiner spindle shall be 1.29 units.

For the purposes of this Part the diameter of a ring spindle means the diameter of the ring and the diameter of a flyer spindle means the distance between the legs of the flyer.

PART II

For the purposes of head (d) of paragraph (5) of Article 6 hereof loom units shall be calculated in relation to any charge as follows:—

(1) in the case of looms working on single shift on the day determined by the Board under that head for the purposes of that charge—

A loom of a width of not more than 42 inches shall be 3 units.

A loom of a width of more than 42 inches but not more than 72 inches shall be 4 units.

A loom of a width of more than 72 inches shall be 5 units.

(2) in the case of looms working on more than one shift on that day—

A loom of a width of not more than 42 inches shall be 5 units.

A loom of a width of more than 42 inches but not more than 72 inches shall be 6½ units.

A loom of a width of more than 72 inches shall be 8½ units.

For the purposes of this Part the width of any loom means the maximum space available for the passage of warp threads through that loom.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Cotton Industry Development Council Order 1948, as amended.

The principal changes are that the industry ceases to be divided into the cotton section and the man-made fibre section, and that it is enlarged by the addition of certain activities carried on in the manufacture of yarn, thread and fabric made of silk or mixture of silk and other materials.

As a consequence—

(a) the functions hitherto exercisable in relation to the cotton section only may now be exercised in relation to the industry as a whole ;

(b) charges imposed by the Cotton Board in respect of any period beginning after 31st March 1964 are to be calculated at the same rates in respect of similar activities throughout the industry. Hitherto charges imposed on the man-made fibre section of the industry have been limited to 11 per cent. of the total charges imposed on the industry.

The principal Order as amended by this Order and previous amending Orders is set out in Schedule II.

1964 No. 663

AGRICULTURAL EMPLOYMENT**SAFETY, HEALTH AND WELFARE****The Agriculture (Poisonous Substances) (Amendment) Regulations 1964**

<i>Made</i> - - - -	7th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by section 1 of the Agriculture (Poisonous Substances) Act 1952(a) (as extended by the Agriculture (Poisonous Substances) (Extension) Order 1960(b)), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to represent the interests concerned, hereby make the following regulations :—

Citation, extent and commencement

1.—(1) These regulations may be cited as the Agriculture (Poisonous Substances) (Amendment) Regulations 1964, and together with the Agriculture (Poisonous Substances) Regulations 1963(c) may be cited as the Agriculture (Poisonous Substances) Regulations 1963 and 1964.

(2) These regulations apply to Great Britain and shall come into operation on 15th May 1964.

Interpretation

2. These regulations shall be construed as one with the Agriculture (Poisonous Substances) Regulations 1963.

Amendment of the Agriculture (Poisonous Substances) Regulations 1963

3. On the coming into operation of these regulations, the Agriculture (Poisonous Substances) Regulations 1963 shall have effect as if there were included in Part III of Schedule 2 to those regulations the entries contained in the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th May 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

SCHEDULE

Regulation 3

Column 1 Common Name and Classification	Column 2 Substance
dichlorvos (b)	2,2-dichlorovinyl dimethyl phosphate.
vamidothion (b)	dimethyl S-[2-(1-methylcarbamoylethylthio)ethyl] phosphorothiolate.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

By virtue of the Agriculture (Poisonous Substances) Regulations 1963 workers to whom those regulations apply may not, and their employers may not cause or permit them to, carry out certain scheduled operations with substances specified in those regulations unless the prescribed safety measures, including the wearing of protective clothing, are observed.

These regulations add two further organo-phosphorus compounds, namely dichlorvos and vamidothion, to the poisonous substances so specified.

1964 No. 667

WAGES COUNCILS

The Wages Regulation (Rope, Twine and Net) Order 1964

Made 7th May 1964
 Coming into Operation 27th May 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rope, Twine and Net Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Rope, Twine and Net) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 27th May 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in Schedules 1 and 2 hereof shall have effect as from the specified date and as from that date the Wages Regulation (Rope, Twine and Net) Order 1962(c) and the Wages Regulation (Rope, Twine and Net) (Amendment) Order 1963(d), shall cease to have effect.

Dated 7th May 1964.

Joseph Godber,
 Minister of Labour.

SCHEDULE 1

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Rope, Twine and Net) Order 1962 (Order R. (133)) as amended by the Wages Regulation (Rope, Twine and Net) (Amendment) Order 1963 (Order R. (137)).

(a) 7 & 8 Eliz. 2. c. 69.
 (c) S.I. 1962/251 (1962 I, p. 242).

(b) 52 & 53 Vict. c. 63.
 (d) S.I. 1963/909 (1963 II, p. 1536).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—
 - (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
 - (2) in the case of a worker employed on piece work—
 - (a) where a general minimum piece rate applies under Part II of this Schedule, that piece rate *increased by 11 per cent.*, or
 - (b) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule.

DEFINITIONS

2. In this Schedule, unless the context otherwise requires,
 - (1) **HARD FIBRES** mean manila, sisal, maguey fibre, New Zealand hemp or coir or a mixture thereof ;
 - (2) **SHRINK NETTING** means that the netting is made by shrinking or gaining, that is to say, the process of putting two meshes into one mesh or vice versa in order to obtain the required taper, shrink or gain ;
 - (3) **PLAIN NETTING** is ordinary braiding, single selvedge, the net mesh when straight hanging diamond ;
 - (4) **A RAN SHORT REEL** is the amount of twine wound on a reel 69 inches in circumference in 400 revolutions or 766 $\frac{2}{3}$ yards ;
 - (5) **SIZE OF MESH** means in the case of all nets, other than the stack nets referred to in paragraph 10, the total length of two adjacent sides of the mesh, measured from the inside of one knot to the outside of the other.

PART II

NET SECTION OF THE TRADE

3. This Part of this Schedule applies to workers in the Net Section of the Trade.

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

4. The general minimum time rates payable to the male or female workers specified in Column 1 of the next following Table are the rates set out in Column 2 and the piece work basis time rates applicable to such workers, when employed on piece work with the materials specified in Column 3 or 4 as the case may be, are the rates set out in Column 3 or 4 respectively.

Sex and age of workers	General minimum time rates	Piece work basis time rates	
		Fibres other than man-made fibres of continuous filament	Man-made fibres of continuous filament
Column 1	Column 2	Column 3	Column 4
	Per hour s. d.	Per hour s. d.	Per hour s. d.
MALE WORKERS— (including home-workers) being aged—			
21 years or over	4 2½	} 4 3½	
20 and under 21 years... ..	3 11½		
19 " " 20 " "	3 6½		
18 " " 19 " "	3 3		
17 " " 18 " "	2 7½		
16 " " 17 " "	2 1½		
under 16 years	1 8		
FEMALE WORKERS— (including home-workers) being aged—			
18 years or over	3 0½	} 3 1½	
17½ and under 18 years	2 7½		
17 " " 17½ " "	2 3½		
16½ " " 17 " "	2 1		
16 " " 16½ " "	1 9½		
under 16 years	1 8			3 6

GENERAL MINIMUM PIECE RATES

MAKING COTTON NORSELLS

5. The general minimum piece rates payable per pound to female home-workers for making cotton norsells are as follows:—

11 inches and upwards:—

	s. d.		s. d.
32s/18 ply norsells ...	11 2	32s/36 ply norsells ...	4 9
32s/21 " " ...	9 3	32s/42 " " ...	3 9½
32s/24 " " ...	7 4½	32s/48 " " ...	3 5½
32s/27 " " ...	6 6½	32s/54 " " ...	3 1½
32s/30 " " ...	5 7	32s/60 " " ...	2 8½

MAKING HEMP NORSELLS

6. The general minimum piece rates payable per 1,000 to female home-workers for making hemp norsells are as follows:—

	Natural Colour	Tanned		Natural Colour	Tanned
	s. d.	s. d.		s. d.	s. d.
18 inch ...	5 7	6 7½	36 inch ...	9 6	11 2
20 " ...	5 8	6 9½	42 " ...	10 9½	12 4½
22 " ...	5 11	7 1	48 " ...	12 4½	13 10½
24 " ...	6 8½	7 6½			

HANDBRAIDING, HANDKNOTTING OR HANDBAITING NETS FROM FIBRES NOT BEING HARD FIBRES OR MAN-MADE FIBRES OF CONTINUOUS FILAMENT

NETS MADE FROM SINGLE TWINE

- 7.—(1) The general minimum piece rates set out in the next following Table are per dozen rans short reel or per 9,200 yards and are payable, subject to the provisions of this paragraph, to female home-workers employed on handbraiding, handknottling or handbaiting nets made from single twine (of sizes up to and including 36 lbs. per dozen rans short reel or per 9,200 yards) from fibres not being hard fibres or man-made fibres of continuous filament.
- (2) The length of the nets referred to in Columns 3 to 8 inclusive of the said Table is the length measured by stretched mesh or through the hand.
- (3) Where the twine is of a size larger than 36 lbs. per dozen rans short reel or per 9,200 yards the general minimum piece rates payable to the said workers are the rates set out in the said Table increased as follows:—

Size of Twine		Additions	
		s.	d.
Over 36 lbs. and up to and including 48 lbs. ...	...	10	1
" 48 " " " " " " " 60 " ...	...	20	4
" 60 " " " " " " " 84 " ...	...	31	4
" 84 " " " " " " " 96 " ...	...	32	0
" 96 " " " " " " " 108 " ...	...	36	0
" 108 " " " " " " " 120 " ...	...	42	0
" 120 " " " " " " " 132 " ...	...	48	0
" 132 " " " " " " " 144 " ...	...	54	0
" 144 " " " " " " " 156 " ...	...	60	0
" 156 " ...	...	66	0

- (4) Where the work is double knotted work, the general minimum piece rates payable to the said workers shall be one and two-thirds times the rates payable for single knotted work.

TABLE OF PIECE RATES

Twines of sizes up to and including 36 lbs. per dozen rans short reel or per 9,200 yards

Size of mesh	Plain netting Column 1	Shrink or square mesh work irrespective of numbers of meshes begun or ended (single or double selvedge) and plain netting with double selvedge Column 2		Netting braided in the form of a hose or bag, including shrimp and landing nets, billiard table pockets and other fancy nets					
		s.	d.	Length 30 inches and over Column 3	Length 20 inches but under 30 inches Column 4	Length 15 inches and over but under 20 inches Column 5	Length 10 inches and over but under 15 inches Column 6	Length 5 inches and over but under 10 inches Column 7	Length under 5 inches Column 8
Over 7 inch	88 5½	93 0½	111 2½	s. 97 7	s. 111 10½	s. 123 5	s. 132 8	s. 139 3½	s. 146 3
5 inch and over up to and including 7 inch	92 7½	97 6	117 4½	d. 101 11½	d. 117 3	d. 128 11	d. 138 7	d. 145 6½	d. 152 7
4 inch and over up to but not including 5 inch	99 8½	105 0½	123 3	109 10	126 3½	138 11	149 4	156 9½	164 7
Over 18 and up to and including 21	106 3	111 2½	129 2½	116 10	134 5	147 10	158 11	166 10½	175 2½
" 21 "	111 9½	117 4½	129 2½	123 3	141 9	155 11	167 7½	175 11½	184 9
" 24 "	117 4½	123 3	129 2½	129 2½	148 7	163 5½	175 8½	184 5½	193 8
" 27 "	123 3	129 6	135 7½	135 7½	155 11½	171 6½	184 5½	193 7½	203 4
" 30 "	128 7½	135 3½	141 9½	141 9½	163 0½	179 4½	192 9½	202 5½	212 7
" 33 "	134 6	141 6	147 11½	147 11½	171 1½	187 2½	201 2½	211 3	221 10
" 36 "	140 1½	146 10½	154 1	154 1	177 2½	194 11	209 6	220 0	231 0
" 39 "	145 11½	152 11	160 6	160 6	184 7	203 0½	218 3	229 1½	240 8
" 42 "	151 3½	158 10	164 11½	164 11½	198 10	210 6½	226 4	237 8	249 6
" 45 "	157 2½	164 11½	172 11	172 11	198 10	218 9	235 1½	246 10½	259 2½
" 48 "	168 4	176 11½	185 6	185 6	213 4	234 8	252 3	264 10½	278 1½
" 54 "	179 10	188 10½	197 9½	197 9½	227 5½	250 2½	268 11½	282 5	296 5½
" 60 "	191 1	200 11	210 5	210 5	241 11	266 2½	286 1½	300 5	315 5
" 66 "	202 6	212 3½	222 8½	222 8½	256 0½	281 8½	302 10	317 11½	333 10½
" 72 "	213 9	224 4	235 1	235 1	270 4	297 4½	319 8	335 8	352 5½
" 78 "	225 3	236 4½	247 7½	247 7½	284 9	313 3	336 9	353 7	371 3
" 84 "	236 4½	248 3	260 3	260 3	299 3	329 2	353 10½	371 7	390 2
" 90 "	247 7	260 2½	272 7½	272 7½	313 6	344 10	370 8½	389 3	408 8½
" 96 "	270 5	283 10	297 5	297 5	342 0½	376 1½	404 5	424 8	445 11
" 108 "	292 11½	307 10	322 1½	322 1½	370 5	407 6	438 1	459 11½	482 11½
" 120 "	315 9	331 5½	347 5½	347 5½	399 7	439 6½	472 6	496 1½	520 11
" 132 "	338 6	355 2	372 5	372 5	428 3	471 1	506 5	531 9	558 4
" 144 "	372 5	390 9	409 10	409 10	471 4	518 5½	557 4	585 2½	614 4½

NETS MADE FROM DOUBLE OR TREBLE TWINE

8. The general minimum piece rates payable to female home-workers employed on handbraiding, handknotting or handbaiting nets made from double or treble twine from fibres not being hard fibres or man-made fibres of continuous filament are respectively three-quarters and two-thirds of the general minimum piece rates which would be payable under paragraph 7 if the nets were made from single twine.

HANDBRAIDING OF TRAWL, SEINE OR OTHER NETS FROM HARD FIBRES

- 9.—(1) The general minimum piece rates set out in the next following Table are per lb. of twine and are payable, subject to the provisions of this paragraph, to female workers (including home-workers) employed in the handbraiding of trawl, seine or other nets (other than stack nets to which paragraph 10 applies) from hard fibres.
- (2) The general minimum piece rates set out in the said Table are payable where the needles are filled at the expense of the worker. Where the needles are filled at the expense of the employer, the said rates shall be reduced by ten per cent.
- (3) Where a net section contains meshes of more than one size, the general minimum piece rate payable for the whole section is that for a mesh size ascertained by a weighted average arrived at as follows: Multiply the number of rows of each separate mesh size by the size of the mesh, add the product, and divide the result by the total number of rows in the net section.

For example: The belly of a new trawl net consisting of 75 rows of 3-inch mesh, 50 rows of 4-inch mesh, 25 rows of 5-inch mesh: Calculation of weighted average mesh—

$$\begin{array}{r}
 75 \times 3 = 225 \\
 50 \times 4 = 200 \\
 25 \times 5 = 125 \\
 \hline
 150 \quad 550
 \end{array}
 \left. \vphantom{\begin{array}{r} 75 \times 3 = 225 \\ 50 \times 4 = 200 \\ 25 \times 5 = 125 \\ \hline 150 \quad 550 \end{array}} \right\} \text{Weighted average mesh size} = \frac{550}{150} = 3\frac{1}{3} \text{ inches.}$$

The whole net section must be paid for as though the mesh was 3 $\frac{1}{3}$ inches throughout, viz., under Col. 8 of the said Table.

TABLE OF PIECE RATES

Size of mesh less than and not less than	Col. 1		Col. 2		Col. 3		Col. 4		Col. 5		Col. 6	
	2 in.		2½ in.		2½ in.		2½ in.		3 in.		3½ in.	
Twine used as { S. = Single D. = Double }	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
	Twine sizes:—	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Up to and including 60 yds. per lb.	4 11½	3 4½	3 2½	2 3	2 9½	1 11½	2 5½	1 8½	2 1½	1 6	1 9½	1 3½
Over 60 up to and including 75 yds. per lb.	5 3½	3 6½	3 5½	2 4½	2 11½	2 0½	2 6½	1 9½	2 2½	1 6½	1 10½	1 3½
" 75 "	5 8½	3 9½	3 8	2 5½	3 2½	2 2½	2 8½	1 10½	2 4½	1 8½	2 0½	1 5½
" 90 "	6 1½	4 1	3 11½	2 7½	3 4½	2 3½	2 11½	2 0½	2 6½	1 8½	2 2½	1 6½
" 105 "	6 7½	4 5	4 3½	2 10	3 7½	2 4½	3 2½	2 1½	2 8½	1 10½	2 4½	1 7½
" 120 "	7 2½	4 9½	4 8½	3 1½	3 11½	2 6½	3 5½	2 3½	2 11½	1 11½	2 7½	1 9
" 135 "	7 11½	5 2½	5 17	3 4½	4 4½	2 10½	3 8½	2 5½	3 2½	2 17	2 9½	1 11
" 150 "	8 9½	5 8	5 8½	3 9	4 10½	3 3	4 1½	2 8½	3 6½	2 4½	3 1½	2 1
" 165 "	9 8½	6 3½	6 3½	4 1½	5 5½	3 6½	4 6½	3 0½	3 11½	2 7½	3 5½	2 3½
" 180 "	10 11	6 11½	7 0½	4 6½	6 1½	3 11½	5 1½	3 4½	4 5½	2 10½	3 10½	2 6½
" 195 "	12 3½	7 8½	7 10½	5 0½	6 10½	4 4½	5 9½	3 9½	5 1½	3 3½	4 5½	2 10½
" 210 "	15 3½	9 6½	9 9½	6 2½	8 5½	5 4½	7 2½	4 8½	6 3½	4 0	5 7	3 7

Size of mesh less than and not less than	Col. 7		Col. 8		Col. 9		Col. 10		Col. 11		Col. 12	
	3½ in.	3½ in.	3½ in.	3½ in.	4 in.	3½ in.	4 in.	4 in.	4 in.	4½ in.	4½ in.	4½ in.
Twine used as	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Up to and including 60 yds. per lb.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Over 60 up to and including 75 yds. per lb.	1 6½	1 0½	1 4½	11½	1 3½	10½	1 2½	10	1 1½	9½	1 0½	8½
" 75 "	1 7½	1 1½	1 6	1 0½	1 4½	11½	1 3½	10½	1 2½	10½	1 2½	9½
" 90 "	1 9	1 2½	1 7	1 1½	1 5½	1 0½	1 4½	11½	1 4½	11½	1 3½	10½
" 105 "	1 11	1 3½	1 9	1 2½	1 7½	1 1½	1 6½	1 0½	1 6½	1 0½	1 5½	1 4½
" 120 "	2 0½	1 5½	1 11	1 3½	1 9½	1 2½	1 8½	1 1½	1 7½	1 1½	1 6½	1 0½
" 135 "	2 2½	1 6½	2 1½	1 5½	1 11½	1 4½	1 10½	1 3½	1 9½	1 2½	1 8½	1 2½
" 150 "	2 5½	1 8½	2 3½	1 7½	2 2½	1 6½	2 1	1 5½	2 0½	1 4½	1 11½	1 3½
" 165 "	2 9½	1 10½	2 6½	1 9	2 4½	1 7½	2 3½	1 7½	2 2½	1 6½	2 1½	1 6
" 180 "	3 0½	2 0½	2 10	1 11	2 7½	1 10	2 6½	1 9	2 5½	1 8½	2 4½	1 8½
" 195 "	3 5½	2 3½	3 2½	2 17	3 0½	2 0½	2 10½	1 11½	2 9½	1 10½	2 7½	1 9½
" 210 "	3 10½	2 6½	3 7½	2 4½	3 4½	2 3½	3 3½	2 2½	3 1½	2 1½	3 0½	2 0½
" 255 "	4 11½	3 2½	4 6	2 11½	4 2½	2 10½	4 1	2 8½	3 10½	2 7½	3 9	2 6½

Twine sizes:—

Size of mesh less than and not less than	Col. 13		Col. 14		Col. 15		Col. 16		Col. 17		Col. 18	
	5 in.	4½ in.	5½ in.	5 in.	5½ in.	5½ in.	5½ in.	5½ in.	6 in.	5½ in.	6 in.	6 in.
Twine used as { S. = Single } { D. = Double }	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Twine sizes:—	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Up to and including 60 yds. per lb.	1 0½	8½	11½	8½	11½	8½	11½	8	11½	7½	10½	7½
Over 60 up to and including 75 yds. per lb.	1 1½	9½	1 1½	9½	1 0½	8½	1 0½	8½	11½	8½	11½	8½
" 75 "	1 2½	10½	1 2½	10	1 1½	9½	1 1½	9½	1 1½	9½	1 0½	8½
" 90 "	1 4½	11½	1 3½	10½	1 3½	10½	1 3½	10½	1 2½	10½	1 2½	10
" 105 "	1 6½	1 0½	1 5½	1 0½	1 5½	11½	1 4½	11½	1 4½	11½	1 3½	10½
" 120 "	1 8½	1 1½	1 7½	1 1½	1 7	1 0½	1 6½	1 0½	1 6½	1 0½	1 6	1 0½
" 135 "	1 10½	1 3½	1 10½	1 2½	1 9½	1 2½	1 8½	1 2½	1 8½	1 2½	1 8½	1 1½
" 150 "	2 1	1 5½	2 0½	1 4½	1 11½	1 4½	1 11½	1 3½	1 10½	1 3½	1 10½	1 3½
" 165 "	2 3½	1 7½	2 2½	1 6½	2 2½	1 6½	2 2	1 6	2 1½	1 5½	2 1	1 5½
" 180 "	2 7½	1 9	2 6	1 8½	2 4½	1 8½	2 4½	1 7½	2 4½	1 7½	2 3½	1 7½
" 195 "	2 10½	1 11½	2 9½	1 11	2 8	1 10½	2 7½	1 9½	2 7½	1 9½	2 6½	1 9½
" 210 "	3 6½	2 5½	3 5½	2 4½	3 3½	2 3½	2 2½	2 2½	3 1½	2 1½	2 1½	2 1

HANDBRAIDING OF STACK NETS

10.—(1) The general minimum piece rates set out in the next following Table are payable to female workers (including home-workers) employed in the handbraiding of stack nets and shall apply to the making by hand of all such nets irrespective of the method of manufacture and the type of material used.

(2) The general minimum piece rates set out in the said Table are payable where the needles are filled at the expense of the worker. Where the needles are filled at the expense of the employer, the said rates shall be reduced by ten per cent.

TABLE OF PIECE RATES

Diamond mesh throughout		Square mesh throughout	
Size of mesh	Per dozen meshes	Size of mesh	Per square yard
	d.		d.
		Less than 6 ins.	$1\frac{1}{4}$
		Not less than 6 ins. but less than 7 ins.	$1\frac{1}{16}$
Less than 16 ins.	1	Not less than 7 ins. but less than 8 ins.	$1\frac{1}{4}$
Not less than 16 ins. but less than 18 ins.	$1\frac{3}{16}$	Not less than 8 ins. but less than 9 ins.	$1\frac{3}{16}$
Not less than 18 ins. but less than 20 ins.	$1\frac{5}{16}$	Not less than 9 ins. but less than 10 ins.	$1\frac{1}{4}$
Not less than 20 ins. but less than 22 ins.	$1\frac{9}{16}$	Not less than 10 ins. but less than 11 ins.	$1\frac{1}{16}$
Not less than 22 ins. but less than 24 ins.	$1\frac{1}{4}$	Not less than 11 ins. but less than 12 ins.	$1\frac{5}{16}$
Not less than 24 ins. but less than 26 ins.	2	Not less than 12 ins. but less than 13 ins.	$\frac{7}{8}$
Not less than 26 ins. but less than 28 ins.	$2\frac{1}{4}$	Not less than 13 ins. but less than 14 ins.	$1\frac{1}{16}$
28 ins. and over	$2\frac{5}{16}$	14 ins. and over	$\frac{3}{4}$

(3) For the purposes of this paragraph—

(a) Square yardage shall be calculated by multiplying in feet the length by the breadth of the net and dividing the result by nine.

(b) SIZE OF MESH is—

(i) in the case of diamond mesh, the total length of two adjacent sides of the mesh measured from the inside of one knot to the outside of the other ;

(ii) in the case of square mesh, the length of one side of the mesh measured from the inside of one knot to the outside of the other.

PART III

SECTIONS OF THE TRADE OTHER THAN THE NET SECTION

11. This Part of this Schedule applies to workers in any section of the Trade other than the Net Section.

**GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS
TIME RATES**

12. The general minimum time rates payable to the male or female workers specified in Column 1 of the next following Table are the rates set out in Column 2 and the piece work basis time rates applicable to such workers when employed on piece work are the rates set out in Column 3:—

Sex and age of workers Column 1	General minimum time rates Column 2	Piece work basis time rates Column 3
	Per hour s. d.	Per hour s. d.
MALE WORKERS—		
(including home-workers) being aged—		
21 years or over	4 3	} 4 4½
20 and under 21 years	4 0	
19 " " 20 "	3 7	
18 " " 19 "	3 3	
17 " " 18 "	2 7½	
16 " " 17 "	2 1½	
under 16 years	1 8	
FEMALE WORKERS—		
(including home-workers) being aged—		
18 years or over	3 1	} 3 1½
17½ and under 18 years	2 7½	
17 " " 17½ "	2 3½	
16½ " " 17 "	2 1	
16 " " 16½ "	1 9½	
under 16 years	1 8	

PART IV

**ALL SECTIONS OF THE TRADE
OVERTIME AND WAITING TIME**

13. This Part of this Schedule applies to a worker in any section of the Trade, not being—
- (1) a home-worker employed in the net section on piece work or
 - (2) a female home-worker employed in a section other than the net section.

MINIMUM OVERTIME RATES

- 14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, minimum overtime rates are payable to any worker to whom this Part of this Schedule applies as follows:—

- (a) on any day other than a Saturday, Sunday or a customary holiday—
 - (i) for the first two hours worked in excess of
8½ hours time-and-a-quarter
 - (ii) thereafter time-and-a-half

Provided that where the worker normally attends on five days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 8½ and 10½ hours' work respectively.

- (b) on a Saturday, not being a customary holiday—
 for all time worked in excess of 3½ hours ... time-and-a-half
 Provided that where the worker normally attends on five days only
 in the week, the following minimum overtime rates shall apply—
 (i) for the first two hours worked time-and-a-quarter
 (ii) thereafter time-and-a-half
- (c) on a Sunday or a customary holiday—
 for all time worked double time

(2) Where the employer and the worker by agreement in writing fix in respect of each weekday the number of hours after which a minimum overtime rate shall be payable and the total number of such hours amounts to 42½ weekly, the following minimum overtime rates shall be payable in substitution for those set out in sub-paragraph (1) of this paragraph:—

- (a) on any day other than a Saturday, Sunday or a customary holiday—
 (i) for the first two hours worked in excess of the
 agreed number of hours time-and-a-quarter
 (ii) thereafter time-and-a-half
- (b) on a Saturday, not being a customary holiday—
 for all time worked in excess of the agreed
 number of hours time-and-a-half
 Provided that where the said agreement provides that Saturday shall
 not normally be a working day, the following minimum overtime rates
 shall apply—
 (i) for the first two hours worked time-and-a-quarter
 (ii) thereafter time-and-a-half
- (c) on a Sunday or a customary holiday—
 for all time worked double time

15. In this Part of this Schedule,

(1) The expression “customary holiday” means:—

(a) (i) In England and Wales:—

Good Friday, Easter Monday, Whit Monday, August Bank Holiday
 (or, in the case of August Bank Holiday, such day, other than a
 weekly short day, as may be substituted therefor by the employer,
 being a day which is by local custom recognised as a day of holiday
 and which falls within three months of the day for which it is
 substituted), Christmas Day (or if Christmas Day falls on a Sunday,
 such weekday as may be appointed by national proclamation, or,
 if none is so appointed, the next following Tuesday) and Boxing
 Day;

(ii) In Scotland:—

The New Year's holidays (2 days),

The local Spring holiday (1 day),

The local Autumn holiday (1 day) and

two other weekdays (being days upon which the worker normally
 attends for work) in the course of a calendar year, to be fixed by
 the employer and notified to the workers not less than three weeks
 before the holiday;

or (b) in the case of each of the said days, such weekday falling between 1st
 April and 30th September as may be substituted therefor by agreement
 between the employer and the workers.

- (2) The expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively:—
- (a) in the case of a time worker employed in any section of the trade, one and a quarter times, one and a half times and twice the general minimum time rate otherwise payable to the worker ;
 - (b) in the case where a piece work basis time rate is otherwise applicable to a piece worker employed in any section of the trade,
 - (i) a time rate equal respectively to one quarter, one half and the whole of the said piece work basis time rate, and, in addition thereto,
 - (ii) the piece rates otherwise applicable under paragraph 1(2) ;
 - (c) in the case where a general minimum piece rate is otherwise payable to a piece worker employed in the net section of the trade on hand net braiding, knotting or baiting,
 - (i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate which would be applicable to a female worker under the provisions of paragraph 4 if a minimum overtime rate did not apply and, in addition thereto,
 - (ii) the said general minimum piece rate.

WAITING TIME

- 16.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent, express or implied ;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
 - (c) by reason only of the fact that he is resident thereon ;
 - (d) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

17. This Schedule applies to workers in relation to whom the Rope, Twine and Net Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the branches of work specified in the Schedule to the Trade Boards (Rope, Twine and Net Trade, Great Britain) (Constitution and Proceedings) Regulations 1933(a), but excluding therefrom the splicing or braiding of rope, cord or twine performed by hand or machine when incidental to, or carried on in association with or in conjunction with, the operations specified in paragraphs 1 and 2 of the Appendix to the Trade Boards (Made-up Textiles) Order 1920(b), or any other processes or operations which are specifically mentioned in the said Appendix.

The Schedule to the said Regulations reads as follows:—

"The Rope, Twine and Net Trade, that is to say—

- (1) The making or re-making of (a) rope (including driving rope and banding), (b) cord (including blind and window cord, but excluding silk, worsted and other fancy cords), (c) core for wire-ropes, (d) lines, (e) twine (including binder and trawl twine), (f) lanyards, (g) net and similar articles.

(a) S.R. & O. 1933/1023 (1933, p. 2049).

(b) S.R. & O. 1920/1901 (1920 II, p. 782).

- (2) The bleaching, teasing, hackling, carding, preparing and spinning of the materials required for the making or re-making of any of the articles (a) to (g) above when carried on in the same factory or workshop as such making or re-making.
 - (3) The manufacture of packings, gaskins, and spun yarns, when carried on in the same factory or workshop as the making or re-making of any of the articles (a) to (g) above.
 - (4) The braiding or splicing of articles made from rope, cord, twine or net.
 - (5) The mending of nets and the winding, twisting, doubling, laying, polishing, dressing, tarring, tanning, dyeing, balling, reeling, finishing, packing, despatching, warehousing and storing of any of the above articles, where these operations or any of them are carried on in a factory or workshop in which any of the articles (a) to (g) above are made or re-made ;
- but excluding the making of wire rope (unless made in the same factory or workshop as hemp or similar rope or core for wire rope), and also excluding the making of net in connection with the lace-curtain trade and the weaving of cloth."

SCHEDULE 2

HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961(a) (Order R. (130)) shall have effect as if in the Schedule thereto for sub-paragraph (4) of paragraph 4 there were substituted the following sub-paragraph:—

"(4) Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes or follows a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season or before the commencement of the next holiday season."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order has effect from 27th May 1964. Schedule 1 sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Rope, Twine and Net) Order 1962 (Order R. (133)) as amended by the Wages Regulation (Rope, Twine and Net) (Amendment) Order 1963 (Order R. (137)), which Orders are revoked.

New provisions are printed in italics.

Schedule 2 repeats without alteration the amendment to the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961 (Order R. (130)), which was contained in Order R. (137).

(a) S.I. 1961/1637 (1961 II, p. 3301).

1964 No. 671

BUILDING SOCIETIES
**The Building Societies (Authorised Investments)
(Amendment) Order 1964**

<i>Made</i> - - - - -	11th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

The Chief Registrar of Friendly Societies, with the consent of the Treasury, pursuant to the powers conferred upon him by section 11(1) of the Building Societies Act 1960(a) and section 58 of the Building Societies Act 1962(b), and to all other powers enabling him in that behalf, hereby makes the following Order :—

1.—(1) This Order may be cited as the Building Societies (Authorised Investments) (Amendment) Order 1964, and shall come into operation on 15th May 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Building Societies (Authorised Investments) Order 1962(d) shall be amended by inserting in paragraph 1 of Part I of the Schedule to the said Order after the words "Defence Bonds" the words "National Development Bonds, Ulster Development Bonds"

Dated 11th May 1964.

S. D. Musson,
Chief Registrar of Friendly Societies.

We consent to this Order.

Dated 11th May 1964.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) 8 & 9 Eliz. 2. c. 64.
(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 37.
(d) S.I. 1962/2044 (1962 III, p. 2461).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables building societies to invest in National Development Bonds and Ulster Development Bonds such of their funds as are not immediately required for their purposes.

1964 No. 673 (S. 39)

AGRICULTURE**HILL FARMING****The Hill Cattle (Scotland) Scheme 1964**

<i>Made</i> - - - -	5th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

In exercise of the powers conferred upon me by sections 13, 14 and 15 of the Hill Farming Act 1946(a), as amended by section 6 of the Livestock Rearing Act 1951(b), section 2 of the Hill Farming Act 1956(c), and section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(d) and of all other powers enabling me in that behalf and with the approval of the Treasury, I hereby make the following Scheme:—

Citation and Commencement

1. This Scheme may be cited as the Hill Cattle (Scotland) Scheme 1964 and shall come into operation on 15th May 1964.

Interpretation

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

“agricultural unit” means land which is occupied as a unit for agricultural purposes, together with any other land, including land held in common, used in connection with such land for the purpose of grazing;

“application” means an application for a subsidy payment made in respect of a cow in accordance with Article 6 of this Scheme;

“breeding cow” means a female bovine animal which has borne a calf;

“in-calf heifer” means a female bovine animal which is with calf for the first time;

“the June Return” means the return of information required by the Secretary of State in exercise of the powers conferred on him by the Agricultural Statistics (Scotland) Regulations 1948(e), as amended by the Agricultural Statistics (Scotland) Amendment Regulations 1957(f) to be made by the occupiers of hill land as at a date in June in the relevant year, and “December Return” means such a return so required to be made as at a date in December in the year next preceding the relevant year by such an occupier; and “the date of the June Return” and “the date of the December Return” means respectively those dates;

“qualifying day” means the day which coincides with the date of the June Return in the relevant year;

(a) 9 & 10 Geo. 6. c. 73.

(c) 4 & 5 Eliz. 2. c. 72.

(e) S.I. 1948/2239 (Rev. I, p. 589; 1948 I, p. 93).

(b) 14 & 15 Geo. 6. c. 18.

(d) 1963 c. 11.

(f) S.I. 1957/876 (1957 I, p. 83).

“regular breeding herd” means a herd of cattle maintained and managed in accordance with sound farming practice by the occupier of hill land for the production and rearing of calves and consisting mainly of breeding cows, being cows which have been grazed on hill land throughout the relevant period ;

“relevant period” means the period from 1st October next preceding the qualifying day, to 30th September next succeeding that day, or where there occurs on a date between the qualifying day and the said 30th September, a change of occupancy of the hill land (being the hill land specified in the application), the period from the said 1st October to the date of the occurrence of that change ;

“relevant year” in relation to any breeding cow means the year, being the year 1964 or one of the three next succeeding years, in respect of which an application has been made by an occupier in respect of that cow.

(2) In this Scheme “hill land” means—

- (a) subject to the provisions of head (b) of this paragraph, land which is livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951, that is to say, land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle, or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land ; and
- (b) in a case where land falling within head (a) of this paragraph forms part only of an agricultural unit, such land in so far as it, in the opinion of the Secretary of State, comprises an area suitable to be dealt with as a unit and is capable, taking into account the numbers of any other livestock normally grazed thereon, of carrying a regular breeding herd :

Provided that hill land shall be deemed to include, in respect of the year 1964, land which at any time during the period of 12 months immediately preceding the qualifying day in that year was accepted by the Secretary of State as livestock rearing land as defined as aforesaid and in respect of any other relevant year, land which at any time during the period of 12 months immediately preceding the qualifying day in that year was accepted by him as hill land within the meaning of heads (a) and (b) of this paragraph.

(3) The Interpretation Act 1889(a), shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Subsidy Payments

3. Subject to the provisions of this Scheme, the Secretary of State may, in respect of the year 1964 and of each of the next three succeeding years, make a subsidy payment in respect of every cow in the case of which the provisions of this Scheme have been complied with.

Description of Cattle and Management

4.—(1) Subject to the provisions of this Scheme, a subsidy payment may be made in respect of the relevant year in respect of a cow which is a

breeding cow on the qualifying day, is of a type and quality approved by the Secretary of State and in the case of which he is satisfied that it—

- (a) has been grazed and maintained for the production and rearing of calves in accordance with sound farming practice by the occupier of the hill land specified in the application made by him for that year in respect of it ;
- (b) has been so grazed and maintained on hill land throughout the relevant period ; and
- (c) except where the proviso to the definition of hill land in Article 2(2) of this Scheme applies, will continue to be grazed on hill land for a substantial part of its breeding life.

(2) Where a breeding cow is included in a regular breeding herd, head (c) of the last foregoing paragraph shall be deemed to be complied with in the case of that cow in any year if the Secretary of State is satisfied that the said occupier intends to continue to maintain a regular breeding herd on hill land.

5.—(1) This Article shall have effect for the purpose of determining whether the provisions of Article 4(1)(b) have, in the relevant year, been complied with in the case of any cow in respect of which an application is made in respect of that year—that is to say, in determining whether the cow has been grazed and maintained for the production and rearing of calves in accordance with sound farming practice on hill land throughout the relevant period.

(2) Where the cow is owned by the occupier of a holding to which the Small Landholders (Scotland) Acts 1886 to 1931(a), or, as the case may be, the Crofters (Scotland) Acts 1955 and 1961(b), apply, being a holding comprised in a township, and has been grazed and maintained either on the common grazings or common pasture of the township or on that holding or partly on the common grazings or common pasture and partly on the holding, and those grazings or that pasture or holding, or both those grazings or that pasture and that holding, as the case may be, are hill land, the provisions of Article 4(1)(b) shall be deemed to have been complied with.

(3) No account shall be taken of any period (hereafter in this paragraph referred to as “the wintering period”) during which the cow, if it is included in a regular breeding herd, has in the winter months occurring in the relevant period, been grazed and maintained on land other than hill land if the Secretary of State is satisfied that—

- (a) in all the circumstances it was necessary, other than on account of excessive stocking, to maintain all or some of the breeding cows or in-calf heifers included in the herd during the wintering period on land other than hill land during that period ;
- (b) the maintenance of the breeding cows or in-calf heifers during the wintering period conforms to sound farming practice ; and
- (c) the wintering period was not longer than was in all the circumstances necessary.

(4) Where the cow was not being grazed and maintained at the commencement of the relevant period on hill land but was, on a date before the date of the December Return made in that period, brought on to such land for the first time then no account shall be taken of any period occurring before the cow was brought on to that land.

(a) 49 & 50 Vict. c. 29; 50 & 51 Vict. c. 24; 54 & 55 Vict. c. 41; 8 Edw. 7. c. 50; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44.

(b) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58.

(5) Where the cow dies, or in accordance with sound farming practice ceases to be grazed and maintained on hill land, then provided a suitable replacement is brought on to such land within such time as is in the opinion of the Secretary of State not unreasonably long, the provisions of Article 4(1)(b) shall be deemed to have been complied with in the case of that cow.

(6) If during any period between the commencement of the relevant period and the date of the June Return made in the relevant period, the cow was an in-calf heifer, references in Article 4 to a breeding cow shall, in their application to that cow, in respect of that period include references to it as if it had then been a breeding cow.

Application for subsidy payment

6.—(1) Subject to the following provisions of this Article, a subsidy payment in respect of a cow shall not be made in respect of the year 1964 or any of the next three succeeding years by the Secretary of State, unless an application therefor in respect of that cow in respect of that year is:—

- (a) made, in such form as the Secretary of State may prescribe, by the person who is the occupier of the hill land specified in the application as at the beginning of the qualifying day in that year; and
- (b) received by the Secretary of State not later than 30th June in that year:

Provided that the Secretary of State may, in the case of any such application as is not received by 30th June aforesaid, but in regard to which it appears to him that the circumstances are exceptional and that the application should be entertained, treat the application as having been received before 30th June aforesaid.

(2) An application made in respect of a cow belonging to the occupier of a holding to which the Small Landholders (Scotland) Acts 1886 to 1931, or the Crofters (Scotland) Acts 1955 and 1961 apply, being a holding comprised in a township having common grazings or a common pasture, may, if not made by the occupier, be made in accordance with the following provisions of this paragraph, that is to say—

- (a) where a committee has been appointed for the management of the common grazings or common pasture, and there is in office a Clerk to that committee, by the Clerk;
- (b) in any other case, by a person who has been duly authorised by the occupiers of all the holdings in that township, in a manner satisfactory to the Secretary of State, to make the application.

Persons eligible for subsidy payment

7.—(1) Subject to the provisions of this and the next succeeding paragraph, a subsidy payment shall be made only to the person who is the occupier as at the beginning of the qualifying day of the hill land specified in his application.

(2) Where, in accordance with Article 6(2) an application is made by the Clerk or by such other person as may be authorised the subsidy payment falling to be made by virtue of the application shall be made to the Clerk or as the case may be to that other person, and the Clerk or that other person shall make payment to the person referred to in paragraph (1) of this Article of the subsidy payment, diminished by such amount (if any) as may be determined by the committee for the purpose of the management of the common grazings or common pasture.

Number of cows, etc., qualifying for subsidy payment

8.—(1) Subject to the provisions of this and the next succeeding Article, the number of subsidy payments to be made to an occupier in respect of the relevant year shall be equal to the number of breeding cows grazed and maintained on hill land (being the land specified in his application or in the application made on his behalf) at the date of the June Return made in respect of that land in that year and included in the Return or the number of breeding cows and in-calf heifers so grazed and maintained on the date of the December Return next preceding that date and included in that Return, whichever is the less:

Provided that if the number of subsidy payments so determined is greater than the number of breeding cows which in the opinion of the Secretary of State the hill land on which the herd was grazed and maintained during the relevant period was, taking into account the number of any other livestock normally grazed on that land, capable of carrying, the Secretary of State may make payment of such lesser number of subsidy payments as he may determine.

(2) Where the Secretary of State is satisfied that—

- (a) no such Returns as are referred to in paragraph (1) of this Article have been made ; or
- (b) any such Return made as aforesaid is inaccurate in respect of the number of breeding cows or in-calf heifers included therein ; or
- (c) the number of breeding cows or in-calf heifers included in any such Return made as aforesaid is less having regard to the provisions of Article 5 of this Scheme than the number of breeding cows or in-calf heifers grazed and maintained by the occupier on hill land throughout the relevant period ;

the number of subsidy payments to be made as aforesaid shall be equal to such number of breeding cows as the Secretary of State, having regard to all the circumstances, deems to be the number of breeding cows in respect of which subsidy payments are to be computed.

Disqualification

9. If, in the opinion of the Secretary of State, any breeding cows in respect of which subsidy payments have been made to any person under this Scheme, or under the Hill Cattle (Scotland) Scheme 1957(a), were not in the year to which the subsidy payments related grazed and maintained in accordance with the provisions of the Scheme under which payment was made, the number of breeding cows, computed in accordance with the provisions of this Scheme, in respect of which subsidy payments would otherwise fall to be made to that person in respect of any subsequent year shall be reduced by such number as the Secretary of State may determine.

Amount of subsidy payment

10. A subsidy payment shall be of such amount as is prescribed by the Secretary of State by Order made under section 14(3) of the Hill Farming Act 1946.

11. A subsidy payment shall not be made in respect of any cow if the Secretary of State is satisfied that—

- (a) it was not grazed on hill land at such time or times during the relevant period as is consistent with sound farming practice ;

- (b) it was not grazed on hill land during the relevant period in such a manner as to bring about the maximum improvement of that land ;
- (c) it was kept during the relevant period for production of milk for sale, or of milk to be used for the making of milk products for sale or of a domestic milk supply ; and
- (d) the management of the cow, including the selection of the bull used to produce a calf, was not in accordance with sound farming practice.

Improvements to land

12.—(1) The Secretary of State may, by notice in writing, require any occupier to whom a subsidy payment has been, or is to be, made, to carry out such works of improvement to the hill land on which the breeding cow, in respect of which that subsidy payment falls to be made, was grazed during the relevant period, as are, in the Secretary of State's opinion, necessary to bring that land into a good state of fertility and may, if the works are not carried out by the occupier within a reasonable time after any such notice has been given to him, withhold payment of that subsidy payment or, where that subsidy payment has already been made, of any other subsidy payment falling to be made to the occupier under this Scheme in any succeeding year.

(2) For the purposes of this Article, " occupier " shall include a committee appointed for the management of any common grazings or common pasture, such as is mentioned in Article 6(2)(a).

Subsidy payments to persons entitled to claim otherwise than by virtue of an assignation

13. Any subsidy payments falling to be made under this Scheme, being payments which might be made to the person who at the beginning of the qualifying day was the occupier of the hill land specified in his application may be made to a person who, if any such payment had been a debt which, at the beginning of that day accrued due to the first mentioned person, would have been entitled to claim the payment otherwise than by virtue of an assignation.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st May 1964.

We approve,

John Hill,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

5th May 1964.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The Hill Farming Act 1946 as extended by the Livestock Rearing Act 1951, the Hill Farming Act 1956 and the Agriculture (Miscellaneous Provisions) Act 1963 empowers the Secretary of State with the approval of the Treasury to make schemes providing for subsidy payments in respect of cattle grazed and maintained on hill land.

This Scheme, the Hill Cattle (Scotland) Scheme 1964 relates to Scotland and makes provision for subsidy payments from 1964 to 1967. It defines hill land and the descriptions of cattle to which it applies. It also specifies the conditions under which the cattle must be grazed and maintained and contains provisions against over-stocking, for making applications for subsidy annually, for the computation of the number of cattle qualifying for subsidy, and other matters.

The Hill Farming Act 1946 requires the amount of subsidy payment in respect of an animal to be prescribed in a separate Order; the Order for this purpose is the Hill Cattle Subsidy Payment (Scotland) Order 1964 (S.I. 1964/674).

1964 No. 674 (S. 40)

AGRICULTURE

HILL FARMING

The Hill Cattle Subsidy Payment (Scotland) Order 1964

<i>Made</i>	5th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

In exercise of the powers conferred on me by section 14(3) of the Hill Farming Act 1946^(a) as amended by section 8 of the Livestock Rearing Act 1951^(b), and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following Order:—

1.—(1) This Order may be cited as the Hill Cattle Subsidy Payment (Scotland) Order 1964 and shall come into operation on 15th May 1964.

(2) The Interpretation Act 1889^(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The amount which may be paid by way of subsidy payment in accordance with the Hill Cattle (Scotland) Scheme 1964^(d) in respect of a breeding cow in respect of the year 1964 and each of the next three succeeding years shall be £12.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st May 1964.

We approve.

John Hill,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

5th May 1964.

(a) 9 & 10 Geo. 6. c. 73.
(c) 52 & 53 Vict. c. 63.

(b) 14 & 15 Geo. 6. c. 18.
(d) S.I. 1964/673 (1964 II, p. 1270).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Hill Cattle (Scotland) Scheme 1964 sets out the conditions on which subsidy payments may be made in the year 1964 and each of the next three succeeding years in respect of approved breeding cows grazed and maintained on hill land in Scotland. This Order prescribes the amount of subsidy payment which may be made in respect of each of the four years for each animal in the case of which the provisions of the Scheme are satisfied.

 STATUTORY INSTRUMENTS

1964 No. 678

MAGISTRATES' COURTS

The County of London Justices (Jurisdiction) Order 1964

Made - - - - - 8th May 1964
 Coming into Operation 25th May 1964

In pursuance of the powers conferred upon me by section 11(9) and (11) of the Justices of the Peace Act 1949(a), I hereby make the following Order:—

1. In the Appendix to the Schedule to the County of London Justices (Jurisdiction) Order 1957(b), as amended(c) (in which Appendix are specified certain enactments proceedings under which may be taken by justices acting for petty sessional divisions of the county of London), after the entries relating to the Noise Abatement Act 1960(d), there shall be inserted the entries set out in the Schedule to this Order.

2. This Order may be cited as the County of London Justices (Jurisdiction) Order 1964 and shall come into operation on 25th May 1964.

Henry Brooke,
 One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 8th May 1964.

SCHEDULE

9 & 10 Eliz. 2. c. 40.	The Consumer Protection Act 1961.	Dealing in goods not complying with regulations made under the Act.
1963 c. 31.	The Weights and Measures Act 1963.	Weights and Measures.

(a) 12, 13 & 14 Geo. 6. c. 101.

(b) S.I. 1957/211 (1957 I, p. 1343).

(c) S.L. 1963/1061, 2116 (1963 II, p. 1824; III, p. 4699).

(d) 8 & 9 Eliz. 2. c. 68.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under the County of London Justices (Jurisdiction) Order 1957, as amended, justices acting for petty sessional divisions of the county of London, other than metropolitan stipendiary magistrates, may not, subject to the provisions of the Order, take any classes of case except those specified in the Order. This Order adds proceedings under the Consumer Protection Act 1961 and the Weights and Measures Act 1963 to the specified classes of case which may be taken by those justices.

1964 No. 679

LONDON GOVERNMENT

The London Authorities (Interim Action) Order 1964

<i>Made</i> - - - -	11th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

The Minister of Housing and Local Government, in exercise of his powers under section 84 of the London Government Act 1963^(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Title, commencement and interpretation

1. This order may be cited as the London Authorities (Interim Action) Order 1964, and shall come into operation on 15th May 1964.

2.—(1) The Interpretation Act 1889^(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order, “the Common Council” means the Common Council of the City of London.

1964-65 appointments and expenditure

3. For the purposes of the appointment of any officer or the taking of any other action, and the incurring of any expenditure in relation thereto, by the Greater London Council, a London borough council or the Common Council to ensure their effective operation as from 1st April 1965 the provisions of the London Government Act 1963 which do not, under section 94(2) thereof, come into force until that date shall be deemed to have come into force at the passing of the said Act.

4.—(1) Where the Greater London Council, a London borough council or the Common Council (hereinafter referred to as “the new employing authority”) before 1st April 1965 appoint to hold any place, situation or employment before or as from that date any person (hereinafter referred to as “the officer”) who is in the employment of any other of the following authorities, namely the councils abolished by section 3(1)(b) of the London Government Act 1963, the Common Council, the county councils of Essex, Hertfordshire, Kent and Surrey and the urban district council of Chigwell (hereinafter referred to as “the existing employing authority”) the appointment shall be on such terms and conditions that—

- (i) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointment, the scale of his salary or remuneration ; and
- (ii) the other terms and conditions of his employment, are not less favourable than those he enjoyed immediately before the appointment.

In this paragraph, "terms and conditions of employment" includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(2) The appointment of an officer as aforesaid to hold a place, situation or employment before 1st April 1965 shall not result in his employment by the new employing authority until that date, and his employment by the existing employing authority shall continue to that date unless determined otherwise than by reason of the said appointment, and

(a) the existing employing authority shall place the services of the officer at the disposal of the new employing authority to such extent as may be agreed between the said authorities ;

(b) the salary or remuneration payable by the existing employing authority to the officer at any time shall be the aggregate of the following amounts, namely—

(i) the amount of the salary or remuneration which would have been payable by the existing employing authority apart from their action under (a) hereof which is for the time being agreed between the existing employing authority and the officer to be appropriate having regard to such action ; and

(ii) the amount for the time being agreed between the new employing authority and the officer in respect of the place, situation or employment ;

(c) the new employing authority shall reimburse to the existing employing authority—

(i) the amounts described in (b)(ii) hereof paid by the existing employing authority ; and

(ii) such proportion of all other payments to or for in respect of the officer as may be agreed between the said authorities or, failing such agreement, as may be determined by an arbitrator appointed by agreement between them or, in default of agreement, by the Minister of Housing and Local Government :

Provided that the said authorities may, in any particular case, agree that no reimbursement shall be made.

(3) Paragraphs (1) and (2) of this article shall apply, where the officer is in the employment of two or more of the following authorities, namely the councils abolished by section 3(1)(b) of the London Government Act 1963, the Common Council, the county councils of Essex, Hertfordshire, Kent and Surrey and the urban district council of Chigwell, and paragraph (1) of this article shall apply, where the officer is in two or more employments of one such authority, as if he were only in the employment in respect of which there is paid to him the highest salary, or if two or more salaries are equal such employment as the new employing authority shall determine.

5. If the Greater London Council propose to appoint as the first chief education officer of the Inner London Education Authority the person who is chief education officer of the London County Council, so much of section 88 of the Education Act 1944(a) (which is applied to the appointment of such officer by section 30(4) of the London Government Act 1963) as requires consultation with the Secretary of State for Education and Science shall not have effect.

Annual meetings of London borough councils in 1964

6.—(1) Paragraph 2(2) of Schedule 6 to the Representation of the People Act 1948(a) (which applies to the London borough councils by virtue of paragraph 21 of Schedule 3 to the London Government Act 1963) shall have effect in relation to such councils in 1964 with the substitution for the words “the date of the annual meeting shall be the eleventh day after the day of election of borough councillors, or such other day within the following seven days as the borough council may fix” of the words “the date of the annual meeting of the council of a London borough shall be the date fixed by the Charter granted by Her Majesty incorporating the inhabitants of the borough for the first meeting of the council”.

(2) In relation to London borough councils, until 1st April 1965, the following provision shall be substituted for paragraph 1(2) of Part II of Schedule 3 to the Local Government Act 1933(b)—

“The annual meeting shall be held at the time fixed by the Charter granted by Her Majesty incorporating the inhabitants of the borough for the first meeting of the council, and the other meetings shall be held at such hour on such other days as the council at the annual meeting or at the first following meeting decide, or by standing order determine”.

Given under the official seal of the Minister of Housing and Local Government on 11th May 1964.

(L.S.)

Keith Joseph,
Minister of Housing and
Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This order makes provision—

- (a) facilitating the appointment of officers and the taking of other action by the Greater London Council, the London borough councils and the Common Council to ensure their effective operation as from 1st April 1965 ;
- (b) ensuring that in relation to appointments by such councils before 1st April 1965 of officers holding existing posts under authorities in Greater London, the contracts effecting the appointments give the protection which is ensured on transfer of officers by section 85(3)(b) of the London Government Act 1963 ;
- (c) facilitating in the case of such appointments taking effect before 1st April 1965, the handling of salary payment, etc. ;
- (d) avoiding the requirement for consultation with the Secretary of State for Education and Science if the Greater London Council propose to appoint, as the chief education officer of the Inner London Education Authority, such officer of the London County Council ;
- (e) ensuring that the first meetings under the charters of the London boroughs are the annual meetings for 1964, but enabling the dates of other meetings in 1964-65 to be fixed at the first following meeting.

1964 No. 681 (S. 41)

FIRE SERVICES

The Fire Services (Appointments and Promotion)
(Scotland) Regulations 1964

Made	7th May 1964
Laid before Parliament	14th May 1964
Coming into Operation	15th May 1964

In exercise of the powers conferred on me by section 18(1) of the Fire Services Act 1947(a), as amended by section 6 of the Fire Services Act 1959(b), and after consultation with the Scottish Central Fire Brigades Advisory Council, I hereby make the following regulations:—

1. These regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Regulations 1964 and shall come into operation on 15th May 1964.

2. In regulation 5 of the Fire Services (Appointments and Promotion) (Scotland) Regulations 1958(c) (which relates to the qualifications for promotion)—

(a) in paragraph 3(b) after the word “ unless,” there shall be inserted the words “ before 30th June 1964 ” ;

(b) for paragraph 4(b) there shall be substituted the following subparagraph:—

“ (b)(i) have passed the technical examination specified in Schedule 3 to these regulations, or

(ii) be or have been a graduate of the Institution of Fire Engineers, having passed the graduateship examination of the said Institution during or after the year 1963, if he was immediately before he took the said graduateship examination eligible to enter for the said technical examination.”

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
7th May 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

Regulation 2 of these regulations amends regulation 5 of the Fire Services (Appointments and Promotion) (Scotland) Regulations 1958 so as to provide that future graduates of the Institution of Fire Engineers shall be exempted from having to pass the station officers' examination, but not from having to pass Part I of the sub-officers' examination.

(a) 10 & 11 Geo. 6. c. 41. (b) 7 & 8 Eliz. 2. c. 44. (c) S.I. 1958/953 (1958 I, p. 1137).

1964 No. 682

BRITISH NATIONALITY**The British Nationality Regulations 1964**

Made - 11th May 1964
Coming into Operation 25th May 1964

In pursuance of the power conferred upon me by section 29(1) of the British Nationality Act 1948(a), as extended by section 3(2) of the British Nationality Act 1964(b), I hereby make with the consent, so far as Regulation 2 is concerned, of the Treasury the following Regulations:—

Applications for registration under section 1 of the Act of 1964

1.—(1) An application for registration as a citizen of the United Kingdom and Colonies made under section 1 of the Act of 1964 shall be in the form set out in Annex A to these Regulations.

(2) An application made in accordance with paragraph (1) of this Regulation shall be made—

- (a) if the applicant is resident in any of the Channel Islands, the Isle of Man, a colony, a protectorate or a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 thereof, to the Governor;
- (b) if the applicant has such a qualifying connection as is mentioned in section 1 of the Act of 1964 and is resident in a country mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner for Her Majesty's government in the United Kingdom, to the High Commissioner in that country;
- (c) in any other case, to the Secretary of State at the Home Office in London.

(3) The registration of a person as a citizen of the United Kingdom and Colonies in pursuance of an application made in accordance with paragraph (1) of this Regulation shall be effected at such place as the person to whom the application is made may direct.

Application of the Regulations of 1948 and 1958

2.—(1) The provisions of the Regulations of 1948 and of the Regulations of 1958 which are mentioned in paragraph (2) of this Regulation shall apply in relation to applications made in accordance with Regulation 1 of these Regulations as they apply in relation to applications made in accordance with the Regulations of 1948 under section 6 of the Act of 1948.

(2) The provisions referred to in paragraph (1) of this Regulation are—

- (a) Regulation 15 of the Regulations of 1948 (which relates to the variation of forms);
- (b) Regulation 17 of the Regulations of 1948 (which relates to the witnessing of applications);

- (c) Regulation 19(1) of the Regulations of 1948, in so far as it relates to the fees for witnessing the signing of an application and for supplying a certified copy of a document ;
- (d) Regulation 5(2) of the Regulations of 1958 (which provides that in certain circumstances the registration of a person as a citizen of the United Kingdom and Colonies under section 6 of the Act of 1948 shall be effected at such place as the Secretary of State may direct).

Replacement of Regulation 11 and Schedule 6 to the Regulations of 1948

3.—(1) For Regulation 11 of the Regulations of 1948 there shall be substituted the following Regulation:—

“**Declaration of renunciation of citizenship.** 11.—(1) A declaration of renunciation of citizenship of the United Kingdom and Colonies made under section 19(1) of the Act (including that section as extended by section 2 of the British Nationality Act 1964) shall be in the form set out in Schedule 6 hereto.

(2) A declaration made in accordance with paragraph (1) of this Regulation shall be made—

(a) if the declarant is resident in a country mentioned in section 1(3) of this Act in which there is a High Commissioner for Her Majesty’s government in the United Kingdom, to the High Commissioner in that country ;

(b) in any other case, to the Secretary of State at the Home Office in London.

(3) A declaration made in accordance with the said paragraph (1) shall, subject to the provisions of the said section 19(1), be registered at such place as the person to whom the declaration is made may direct.”.

(2) For Schedule 6 to the Regulations of 1948 there shall be substituted the Schedule set out in Annex B to these Regulations.

Interpretation

4.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively ascribed to them, that is to say:—

“ the Act of 1948 ” means the British Nationality Act 1948 ;

“ the Act of 1964 ” means the British Nationality Act 1964 ;

“ Governor ” has, in relation to a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 of that Act, the same meaning as in the Order ;

“ the Regulations of 1948 ” means the British Nationality Regulations 1948(a), as amended(b) ;

“ the Regulations of 1958 ” means the British Nationality Regulations 1958(c), as amended(d).

(a) S.I. 1948/2721 (Rev. III, p. 209 : 1948 I, p. 261).

(b) The relevant amending instruments are S.I. 1951/423, 1960/1150, 1962/561, (1951 I, p. 86 ; 1960 I, p. 419 ; 1962 I, p. 533). (c) S.I. 1958/655 (1958 I, p. 237).

(d) There is no amendment which relates to the subject matter of these Regulations.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

Citation and commencement

5. These Regulations may be cited as the British Nationality Regulations 1964 and shall come into operation on 25th May 1964.

Henry Brooke,
One of Her Majesty's Principal
Secretaries of State.

6th May 1964.

We consent to Regulation 2 of these Regulations.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

11th May 1964.

ANNEX A

Regulation 1(1)

BRITISH NATIONALITY ACT 1964, SECTION 1

*Application for registration as a citizen of the United Kingdom and Colonies under section 1 of the Act of 1964 made by a person who has ceased to be a citizen of the United Kingdom and Colonies as a result of a declaration of renunciation for the purpose of remaining or becoming a citizen of a country mentioned in section 1(3) of the Act of 1948.**

1. I, A.B., of [*here insert address of applicant*] am of full capacity and was born at
on

2. I made a declaration of renunciation of citizenship of the United Kingdom and Colonies at _____ on _____ and the declaration was registered on _____

3. I [had at that time become] [was at that time about to become] a citizen of one of the countries now mentioned in section 1(3) of the British Nationality Act 1948* namely
[*Here state name of country.*]

4. To the best of my knowledge and belief I should have been unable [to become] [to have remained] such a citizen without making a declaration of renunciation of citizenship of the United Kingdom and Colonies by reason of the fact that

[*Here state the grounds on which the applicant claims the renunciation was necessary.*]

(a) 52 & 53 Vict. c. 63.

* The countries so mentioned are Australia, Canada, Ceylon, Cyprus, Ghana, India, Jamaica, Kenya, Malaysia, New Zealand, Nigeria, Pakistan, Sierra Leone, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Uganda and Zanzibar.

5. [I have] [My husband has/had] a qualifying connection with [the United Kingdom and Colonies] [an existing protectorate or protected state] by reason of the fact that

[Here state the grounds on which a qualifying connection is claimed. To establish a qualifying connection the applicant must show—

(a) *in relation to the United Kingdom and Colonies, that he, his father or his father's father was born, registered as a citizen or naturalised in the United Kingdom or an existing colony, or was registered as a citizen by a British High Commissioner in a Commonwealth country, or became a British subject by reason of the annexation of territory included in an existing colony, or*

(b) *in relation to a protectorate or protected state, that he, his father or his father's father was born there and is, or at any time was, a British subject,*

except that a woman may alternatively show that she has been married to a person who has or would, if living, have such a connection.]

† To be completed only by persons not completing paragraph 5.

†6. I wish the following factors to be taken into account in the consideration of my application:—

7. I hereby apply to be registered as a citizen of the United Kingdom and Colonies.

I, A.B., do solemnly and sincerely declare that the foregoing particulars stated in this application are true, and I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of 19 before me,

(Signed) X.Y.,

[Justice of the Peace, Commissioner or other official title.]

Regulation 3(2)

ANNEX B

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 6
TO REGULATIONS OF 1948

Regulation 11

SCHEDULE 6

BRITISH NATIONALITY ACT 1948, SECTION 19

BRITISH NATIONALITY ACT 1964, SECTION 2

Declaration of renunciation of citizenship under section 19 of the Act of 1948 (including that section as extended by section 2 of the Act of 1964) made by a citizen of the United Kingdom and Colonies who is also or is about to become a citizen or national of another country.

1. I, A.B., of *[here insert address of applicant]* am of full capacity and was born at
on

2. I *[have]* *[have not]* been married.

To be completed only by a woman under 21 years of age.

3.—(a) I am a [citizen] [national] of
under the law of that country.

(b) To the best of my knowledge and belief I am about to become a
[citizen] [national] of
under the law of that country by reason of the fact that

[Here state the grounds on which the applicant believes that he is about
to become a citizen or national of that country.]

Sub-paragraph
(a) or (b) should
be completed as
appropriate.

4. I hereby renounce my citizenship of the United Kingdom and Colonies.

I, A.B., do solemnly and sincerely declare that the foregoing particulars
stated in this declaration are true, and I make this solemn declaration
conscientiously believing the same to be true.

(Signed) A.B.

Made and subscribed this day of 19 before me,

(Signed) X.Y.,

*[Justice of the Peace, Commissioner or other
official title.]*

EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate
their general purport.)*

Regulations 1 and 2 relate to applications for registration as a citizen of
the United Kingdom and Colonies under section 1 of the British Nationality
Act 1964 by a person who has ceased to be such a citizen as a result of a
declaration of renunciation made with the object of acquiring or retaining
the citizenship of a Commonwealth country. Regulation 3 amends the
provisions of the British Nationality Regulations 1948 relating to the making
of declarations of renunciation of citizenship under section 19 of the British
Nationality Act 1948 consequent upon section 2 of the Act of 1964 (which
enables citizenship to be renounced under section 19 of the Act of 1948 by
a person who, although not a citizen or national of another country, can show
that he is about to become one).

1964 No. 685

WAGES COUNCILS

The Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1964

Made - - - - - 11th May 1964
 Coming into Operation 1st June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bespoke Tailoring Wages Council (England and Wales) (hereafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 1st June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1961(c) and the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) (Amendment) Order 1962(d), shall cease to have effect.

Signed by order of the Minister of Labour, 11th May 1964.

W. S. I. Whitelaw,
 Parliamentary Secretary,
 Ministry of Labour.

ARRANGEMENT OF SCHEDULE

Part	Paragraphs
I. General	1-2
II. Male workers: general minimum time rates, piece work basis time rates, and rates for workers on special classes of work	3-5
III. Female workers: general minimum time rates and piece work basis time rates	6-7
IV. Reckoning of experience	8-10
V. General minimum piece rates ("log rates")	11-13
VI. Overtime and waiting time	14-17
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VIII. Areas	21

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/252 (1961 I, p. 416).

(d) S.I. 1962/1814 (1962 II, p. 2159).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1961(a) (Order R.B. (56)) as amended by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) (Amendment) Order 1962(b) (Order R.B. (58)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part VI is:—

(a) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ;

(b) in the case of a worker employed on piece work,

(i) where a general minimum piece rate (commonly referred to as a "log rate") applies under Part V of this Schedule, that rate ;

(ii) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker (that is to say, a worker of ordinary skill and efficiency of the class in question) at least the same amount of money as the piece work basis time rate applicable to the worker or, where no piece work basis time rate is applicable, at least the same amount of money as the hourly general minimum time rate which would be applicable to the worker if he were a time worker.

(2) In this Schedule, in relation to a worker to whom a weekly general minimum time rate applies, the expression hourly general minimum time rate means the weekly general minimum time rate applicable to the worker divided by 42.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

2.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, this Schedule applies to workers in relation to whom the Retail Bespoke Tailoring Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in any of the branches of work in the retail bespoke tailoring trade as specified in the Schedule to the Trade Boards (Retail Bespoke Tailoring Trade, England and Wales) (Constitution and Proceedings) Regulations 1924(c), which are set out below, that is to say:—

Those branches of men's women's, boys' and girls' bespoke tailoring in which the tailor supplies the garment direct to the individual wearer and employs the worker direct.

A worker shall be deemed to be employed by the tailor direct, if employed by another worker in the employ of the tailor, to whom a minimum rate of wages fixed under the Wages Councils Act 1959 is applicable ; or if employed by a sub-contractor engaged in cutting, making or finishing garments exclusively for the tailor in the tailor's shop or in a building of which the shop forms part or to which the shop is attached ;

including:—

(a) (i) The altering, repairing, renovating, or re-making of men's, women's, boys' or girls' tailored garments where carried out for the individual wearer by a tailor who employs the worker direct as defined above ;

(a) S.I. 1961/252 (1961 I, p. 416).

(b) S.I. 1962/1814 (1962 II, p. 2159).

(c) S.R. & O. 1924/835 (1924, p. 1769).

- (ii) The cleaning of such garments where carried on in association with or in conjunction with the repairing, renovating or re-making of the garments ;
- (b) The lining with fur of the above-mentioned garments where carried out in association with or in conjunction with the making of such garments ;
- (c) All processes of embroidery or decorative needlework where carried out in association with or in conjunction with the above-mentioned branches of tailoring ;
- (d) The packing and all other operations incidental to or appertaining to any of the above-mentioned branches of tailoring ;
- but excluding :—
- (a) All or any of the above-mentioned operations where carried on in a factory where garments are made up for three or more retail establishments ;
- (b) The making of head-gear.
- (2) This Schedule does not apply to workers employed as cutters, trimmers or packers.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of this Schedule, the general minimum time rates applicable to male workers employed in Areas A and B respectively are as follows :—

	Area A	Area B
(1) INDENTURED APPRENTICES whose employment complies with the conditions specified in paragraph 18 during the following periods of apprenticeship—		
	per week	per week
	s. d.	s. d.
The 1st year of apprenticeship	65 0	61 0
The 2nd year of apprenticeship	80 0	76 3
The 3rd year of apprenticeship	100 0	92 9
	per hour	per hour
	s. d.	s. d.
The 4th year of apprenticeship	3 0	2 7½
The 5th year of apprenticeship	3 9½	3 2½
(2) LEARNERS whose employment complies with the conditions specified in paragraph 20 during the following periods of learnership—		
	per week	per week
	s. d.	s. d.
The 1st year of learnership	65 0	61 0
The 2nd year of learnership	80 0	76 3
The 3rd year of learnership	100 0	92 9
	per hour	per hour
	s. d.	s. d.
The 4th year of learnership	3 0	2 7½
The 5th year of learnership	3 9½	3 2½

						Area A	Area B
(3) OTHER MALE WORKERS during the following periods of employment in the trade—						per week	per week
						s. d.	s. d.
The 1st year	...	...	...	...	...	71 3	68 0
The 2nd year	...	...	...	...	...	86 6	82 6
The 3rd year	...	...	...	...	...	106 9	99 0
						per hour	per hour
						s. d.	s. d.
The 4th year	...	...	...	...	...	3 1½	2 10½
The 5th year	...	...	...	...	...	3 10½	3 5½
(4) ALL MALE WORKERS after five years' employment in the trade						4 7	4 5½

PIECE WORK BASIS TIME RATES

						Area A	Area B
						per hour	per hour
						s. d.	s. d.
4. The piece work basis time rates applicable (irrespective of age) to male workers who have had at least five years' employment in the trade and are employed on piece work in Areas A and B respectively are as follows :—						5 0	4 10½

WORKERS ON SPECIAL CLASSES OF WORK

5. Notwithstanding the provisions of paragraphs 3 and 4, where a male worker who has completed five years' employment in the trade is employed in the making of (i) military dress uniforms (other than khaki), (ii) naval frock and dress uniforms, (iii) hunt coats and hunt riding breeches, (iv) frock and dress coats and (v) court and diplomatic garments, or any of those garments, the general minimum time rate or the piece work basis time rate applicable to the worker shall be increased by 2½d. an hour.

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

6. Subject to the provisions of this Schedule, the general minimum time rates applicable to female workers employed in Areas A and B respectively are as follows :—

						Area A	Area B
(1) INDENTURED APPRENTICES whose employment complies with the conditions specified in paragraph 18 during the following periods of apprenticeship—						per week	per week
						s. d.	s. d.
The 1st year of apprenticeship	...	...	...	...	...	65 0	61 0
The 2nd year of apprenticeship	...	...	...	...	...	80 0	76 3
The 3rd year of apprenticeship	...	...	...	...	...	100 0	92 9

	Area A	Area B
	per hour	per hour
	s. d.	s. d.
The 4th year of apprenticeship	2 9	2 7½
The 5th year of apprenticeship	3 0½	2 11½
(2) LEARNERS whose employment complies with the conditions specified in paragraph 20 during the following periods of learnership—		
	per week	per week
	s. d.	s. d.
The 1st year of learnership	65 0	61 0
The 2nd year of learnership	80 0	76 3
The 3rd year of learnership	100 0	92 9
	per hour	per hour
	s. d.	s. d.
The 4th year of learnership	2 9	2 7½
The 5th year of learnership	3 0½	2 11½
(3) OTHER FEMALE WORKERS during the following periods of employment in the trade—		
	per week	per week
	s. d.	s. d.
The 1st year	71 3	68 0
The 2nd year	86 6	82 6
The 3rd year	106 9	99 0
	per hour	per hour
	s. d.	s. d.
The 4th year	2 11½	2 10½
The 5th year	3 2½	3 2
(4) ALL FEMALE WORKERS after five years employment in the trade		
	3 5	3 4½

PIECE WORK BASIS TIME RATES

	Area A	Area B
	per hour	per hour
	s. d.	s. d.
7. The piece work basis time rates applicable (irrespective of age) to female workers who have had at least five years' employment in the trade and are employed on piece work in Areas A and B respectively are as follows:—	3 9½	3 9

PART IV

RECKONING OF EXPERIENCE

PREVIOUS INSTRUCTION IN AN APPROVED TECHNICAL CLASS

8. Where any worker has, after attaining the age of 15 years and prior to his employment on work to which this Schedule applies, received instruction in tailoring processes in a technical class at any school or other institution and such instruction has been approved by the Wages Council, for the purpose of reckoning the period of his apprenticeship, learnership or other employment in the trade each complete one hundred hours of such instruction in tailoring processes shall be treated as four weeks of apprenticeship, learnership or other employment in the trade: Provided that the period to be so treated as employment in the trade shall not exceed the total number of weeks during which the worker attended the technical class.

PREVIOUS EXPERIENCE IN THE TAILORING TRADE

9. Where any worker has at any time been employed as a worker in relation to whom there operated one or more of the following Wages Councils, that is to say, the Retail Bespoke Tailoring Wages Council (England and Wales), the Retail Bespoke Tailoring Wages Council (Scotland), the Ready-made and Wholesale Bespoke Tailoring Wages Council (Great Britain) and the Wholesale Mantle and Costume Wages Council (Great Britain), each such period of employment shall, for the purpose of reckoning the period of the worker's learnership or other employment (not being apprenticeship) in the trade, be treated as though it were an equal period of learnership or other employment in the trade.

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

10. Where any worker has completed the full period of training in retail bespoke tailoring in respect of which training allowances are payable under the Government Vocational Training Scheme, such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as though it were a period of five years' employment therein.

PART V

GENERAL MINIMUM PIECE RATES

LOG RATES

11. The general minimum piece rates (commonly referred to as "log rates") applicable to a male worker specified in paragraph 12 when employed on piece work are the rates obtained by applying to the times set out in the Piece Work Time Statement contained in Schedule XIII to the Minister's Confirming Order R.B. (E. & W.) 1, dated 4th July 1927 (hereinafter referred to as the "Piece Work Time Statement") the appropriate time rate per log hour set out in paragraph 13.

APPLICATION OF LOG RATES

12. Paragraph 11 applies to any male journeyman tailor who works either alone or with the assistance of not more than one apprentice or learner (whether or not machining as specified in the Piece Work Time Statement is provided by the employer) on any of the following work, that is to say:—

- (1) the making of coats (including overcoats, jackets, and similar garments) of any of the classes specified in the Piece Work Time Statement where at least three of the following operations are performed:—

Sleeves put in by hand
 Shoulder seams sewn by hand
 Collar padded by hand (whether or not the collar stand is machined)
 Collar put on by hand
 Pockets tacked by hand
 Edges stitched by hand

- (2) the making of vests of any of the classes specified in the Piece Work Time Statement (other than under-vests) where at least two of the following operations are performed:—

Cuts in foreparts
 Pockets tacked by hand
 Forepart linings felled by hand
 Edges stitched by hand

(3) the making of trousers, breeches and other leg garments (other than gaiters and leggings) of any of the classes specified in the Piece Work Time Statement where at least two of the following operations are performed :—

- Cuts in waist
- Seat seams sewn by hand
- Fly put in by hand
- Part leg seams sewn by hand
- Pockets put in by hand

(4) the making of any of the other garments (including under-vests, gaiters and leggings) specified in the Piece Work Time Statement ;

(5) any alteration or repair work performed on any of the garments specified in the foregoing sub-paragraphs.

TIME RATES PER LOG HOUR

13. The time rates per log hour referred to in paragraph 11 applicable to workers employed in Areas A and B respectively are as follows :—

	Area A per hour s. d.	Area B per hour s. d.
(1) in the case of workers employed on any of the following garments which are also specified in the Piece Work Time Statement, that is to say :—		
(a) military dress uniforms (excluding khaki)		
(b) naval frock and dress uniforms		
(c) hunt coats and hunt riding breeches		
(d) frock and dress coats		
(e) court and diplomatic garments		
(f) morning coats (without cross pockets) made from materials other than tweeds or chevots, but excluding morning coats to be worn by schoolboys attending a school where such a coat is to be worn in accordance with the regulations of the school	3 2½	3 1½
(2) in the case of any other worker	3 1½	3 0½

PART VI

OVERTIME AND WAITING TIME
NORMAL NUMBER OF HOURS

14. Minimum overtime rates set out in paragraph 15 are payable to any worker as follows :—

- (1) in any week,
 - for all time worked in excess of 42 hours
- (2) on any day other than a Saturday, Sunday or a customary holiday,
 - for all time worked in excess of 7½ hours
 - Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked in excess of the hours following :—
 - where the normal working hours exceed 8½ 9 hours
 - or
 - where the normal working hours are not more than 8½ 8½ hours

- (3) on a Saturday, not being a customary holiday—
- | | |
|--|---------------------|
| (a) where the worker normally attends on six days in the week, for all time worked in excess of | 4 hours |
| (b) where the worker normally attends on five days only in the week | for all time worked |
- (4) on a Sunday or a customary holiday for all time worked

MINIMUM OVERTIME RATES

15.—(1) Minimum overtime rates are payable to any worker as follows :—

- (a) on any day other than a Saturday, Sunday or customary holiday—
- | | |
|--|--------------------|
| (i) for the first 2 hours of overtime worked | time-and-a-quarter |
| (ii) for the next 2 hours | time-and-a-half |
| (iii) thereafter | double time |
- (b) on a Saturday, not being a customary holiday—
- | | |
|---|--------------------|
| (i) where the worker normally attends on six days in the week— | |
| for all time worked in excess of 4 hours | double time |
| (ii) where the worker normally attends on five days only in the week— | |
| for the first 2 hours worked | time-and-a-quarter |
| for the next 2 hours | time-and-a-half |
| thereafter | double time |
- (c) on a Sunday or a customary holiday—
- | | |
|----------------------------|-------------|
| for all time worked | double time |
|----------------------------|-------------|
- (d) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—
- | | |
|---|--------------------|
| for all time worked in excess of 42 hours ... | time-and-a-quarter |
|---|--------------------|
- (2) Where it is the practice in a Jewish undertaking for the employer to require attendance of the worker on Sunday and not on Saturday (except where such attendance on Sunday is unlawful) Saturday shall be treated as a Sunday, and, subject to the provisions of sub-paragraph (3) of this paragraph, Sunday as a Saturday.
- (3) Where the worker normally attends on six days in the week and an ordinary week-day is substituted for Saturday, or in a case where the provisions of sub-paragraph (2) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where such substitution is unlawful) that ordinary week-day shall be treated as a Saturday, and Saturday or Sunday, as the case may be, as an ordinary week-day.

16. In this Part of this Schedule—

(1) the expression “ customary holiday ” means

- (a) Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday; or
- (b) in the case of each of the said days, a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day :

- (2) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean, respectively,
- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker ;
 - (b) in the case where a general minimum piece rate is otherwise applicable to a worker,
 - (i) a time rate equal respectively to one-quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker or, where no piece work basis time rate is otherwise applicable, of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and in addition thereto,
 - (ii) the said general minimum piece rate ;
 - (c) in the case where a general minimum piece rate is not otherwise applicable to a worker employed on piece work,
 - (i) a time rate equal respectively to one quarter, one half, and the whole of the piece work basis time rate otherwise applicable to the worker or, where no piece work basis time rate is otherwise applicable, of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and in addition thereto,
 - (ii) the piece rates otherwise applicable to the worker under sub-paragraph (1) of paragraph 1.

WAITING TIME

- 17.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent, express or implied ;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
 - (c) by reason only of the fact that he is resident thereon ;
 - (d) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

PART VII

APPRENTICES AND LEARNERS

CONDITIONS AS TO RATES FOR APPRENTICES

18. The general minimum time rates specified in (1) of paragraphs 3 and 6 respectively apply only to an apprentice in whose case the conditions following are fulfilled:—
- (1) the apprentice shall be employed for a period of five years under, and in accordance with, a written contract of apprenticeship which has been duly executed and which contains the following provisions, which the Wages Council considers necessary for the effective instruction of the apprentice, or provisions substantially to the same effect, and no provisions contrary thereto, namely,—
 - (a) the apprentice, of his own free will and with the consent of his guardian, binds himself to serve the employer as his apprentice in his trade of retail bespoke tailoring for a term of five years ;

- (b) the employer shall keep the apprentice as his apprentice during the said term and to the best of his power, skill and knowledge shall instruct the apprentice, or cause him to be instructed by a fully qualified tailor or tailoress, in the making throughout of such one or more of the following garments, namely, coats, skirts, trousers, breeches, waistcoats or cassocks as shall be specified in the said contract of apprenticeship and in everything relative to the work of making and completing the same ;
 - (c) during the first three years of apprenticeship the employer shall not require the apprentice to work during any period for which a minimum overtime rate is payable under the provisions of Part VI of this Schedule ; and
 - (d) during the said term of apprenticeship the employer shall not put the apprentice on piece work ;
- (2) the apprentice shall be the holder of a certificate of registration of apprenticeship issued by or on behalf of the Wages Council, or shall have made application for such a certificate which has been duly acknowledged and is still under consideration :
- Provided that the certification of the apprentice may be cancelled by the Wages Council if the other conditions of apprenticeship are not complied with.

PROSPECTIVE APPRENTICES

19. Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective apprentice for a probationary period not exceeding three months (or such extended period as is referred to at the end of this paragraph) and all the foregoing conditions of apprenticeship, other than those with regard to employment under a written contract of apprenticeship and certification by the Wages Council are fulfilled in the case of that worker, the minimum remuneration applicable to that worker during the said period shall be that applicable to an apprentice employed in accordance with the conditions specified in the preceding paragraph, and, in the event of the worker being continued thereafter at his employment as an apprentice, the said probationary period shall, for the purposes of this Schedule, be treated as part of the period of apprenticeship, whether or not it is included therein. Where, before the expiration of three months from the commencement of employment as a prospective apprentice as aforesaid, the Wages Council has received and acknowledged in writing written notification of such employment and of the intention of the employer and apprentice to enter into a written contract of apprenticeship the period of three months first referred to in this paragraph may be extended as the Wages Council may consider necessary for the drawing up and execution of the written contract.

DEFINITION OF A LEARNER

20. In this Schedule the expression " learner " means any worker, male or female, who,
- (1) not being—
 - (a) an apprentice employed in accordance with the conditions specified in paragraph 18 ;
 - (b) a worker who has completed the full period of training in retail bespoke tailoring in respect of which training allowances are payable under the Government Vocational Training Scheme ;
 - (c) a worker who has been employed for more than five years in the retail bespoke section of the tailoring trade, the ready-made and wholesale bespoke tailoring trade, and the wholesale mantle and costume trade, or in one or more of such trades ; or
 - (d) a worker who works in a room used for dwelling purposes unless he is in the employment of his parent or guardian ;

(2) is employed by an employer who provides him with reasonable facilities for learning—

- (a) the general trade of underpressing and pressing off,
- (b) the making throughout of either skirts or cassocks, or
- (c) three or more of the following operations in the making of coats (including overcoats and ladies' coats) or vests or trousers or breeches, and who, until at least three operations on any one garment have been taught, is not employed by the same employer for more than six months on any one operation:—

Coats

Marking and fitting up
 Baisting for try on
 Piecing up by hand or machine
 Putting in pockets by hand or machine
 Making sleeves by hand or machine
 Making linings and putting in same by hand or machine
 Canvassing

Baisting under
 Baisting out
 Padding collars and lapels by hand
 Making collars
 Putting on collars by hand or machine
 Working button holes
 Stitching edges by hand or machine
 Under pressing
 Pressing off

Vests

Marking and fitting up
 Baisting for try on
 Putting in pockets
 Canvassing
 Making up edges
 Making back and putting in linings

Working button holes
 Under pressing and pressing off
 Stitching edges by hand or machine

Trousers or Breeches

Fitting up
 Baisting for try on
 Piecing up and seaming seams by hand or machine
 Making up fly and button catch by hand or machine

Making up tops by hand or machine
 Putting in pockets by hand or machine
 Making up bottoms by hand or machine
 Under pressing and pressing off

and (3) has received a certificate of registration of learnership from the Wages Council, or has made an application for such certificate which has been duly acknowledged and is still under consideration:

Provided that the certificate may be cancelled by the Wages Council if the other conditions of learnership are not complied with.

PART VIII

INTERPRETATION—AREAS

21.—(1) In this Schedule—

Area A comprises the localities specified in the Table below.

Area B comprises the remainder of England and Wales.

(2) Where a locality specified in the said Table is the district of a local authority, the district is as on 26th April 1931.

(3) In Column 2 of the said Table—

B	means	...	Borough
CB	"	...	County Borough
CBCC	"	...	County Borough of the City and County
C & B	"	...	City and Borough
C & CB	"	...	City and County Borough
Met. B	"	...	Metropolitan Borough
P	"	...	Parish
RD	"	...	Rural District
UD	"	...	Urban District

(4) For the purposes of this Schedule—

- (a) an outworker shall be deemed to be employed in the area in which the employer's establishment from which work is given out to that worker is situated ;
- (b) "outworker" means a worker who works in his own home or in some other place not under the control or management of the employer.

TABLE OF LOCALITIES IN AREA A

Column 1 Locality	Column 2 Local Authority	Column 1 Locality	Column 2 Local Authority
Aberystwyth	B	Derby	CB
Ascot (see Sunninghill)			
Bangor	C & B	Eastbourne	CB
Barnstaple	B	Eton	UD
Bath	C & CB	Exeter	CBCC
Bexhill	B	Exmouth	UD
Birkenhead (except civil parishes of Landican, Thingwall and Prenton) ...	CB	Failsforth	UD
Birmingham (that part which lies within a radius of 1½ Miles from the Town Hall)	C & CB	Farnworth	UD
Blackpool	CB	Felixstowe	UD
Bolton	CB	Fleetwood	UD
Bournemouth (except parish of Kinson and wards of Malmesbury Park, Moor- down Springbourne and Winton)	CB	Folkestone	B
Bradford (except civil and ecclesiastical parish of Thornton)	C & CB	Frimley and Camberley ...	UD
Brecknock	B	Fulwood	UD
Brighton	CB	Gateshead	CB
Bristol	C & CB	Gosforth	UD
Bury St. Edmunds	B	Hanham Abbots (Warmley Rural District)	P
Camberley (see Frimley and—)	UD	Harrow-on-the-Hill	UD
Cambridge	B	Hastings	CB
Cardiff	C & CB	Hessle	UD
Chelmsford	B	Horwich	UD
Chester	C & CB	Hove	B
Colchester	B	Huddersfield	CB
Colwyn Bay	UD	Hull (see Kingston-upon- Hull)	CBCC
		Ipswich	CB
		Kingston-on-Thames	B
		Kingston-upon-Hull	CBCC
		Kingswood	UD

Column 1 Locality.	Column 2 Local Authority	Column 1 Locality	Column 2 Local Authority
Leeds	C & CB	Rhyl	UD
Leicester	C & CB	St. Albans	C & B
Liverpool	C & CB	St. Anne's (<i>see</i> Lytham—)	B
Llanbadarnfawr (Rhayader Rural District) area with- in 1 mile radius of the Parish Church		Salford	C & CB
Llandudno	UD	Salisbury	C & B
London Postal Districts E.C.1, E.C.2, E.C.3, E.C.4, W.1, W.C.1, W.C.2, S.W.1		Sheffield	C & CB
Lytham St. Anne's	B	Slough	UD
Macclesfield	B	Southend-on-Sea	CB
Maidenhead	B	Southport	CB
Manchester (except parishes of Baguley, Northern Etchells and Northenden)	C & CB	Stockport	CB
Newcastle-upon-Tyne ...	CB	Stretford	UD
Newcastle-upon-Tyne ...	RD	Sunderland	CB
Newmarket	UD	Sunninghill (Windsor Rural District) including village of Ascot	P
Newton Abbot	UD	Surbiton	UD
Newport (Mon.)	CB	Swansea	CB
New Windsor	B	Swindon	B
Norwich	CBCC	Taunton	B
Nottingham	C & CB	Teignmouth	UD
Nottingham	RD	Tenby	B
Oldham	CB	Torquay	B
Oxford	C & CB	Truro	C & B
Paignton	UD	West Bridgford	UD
Penarth	UD	Westhoughton	UD
Penzance	B	Weston-super-Mare	UD
Plymouth	C & CB	Woolwich	Met. B
Prestatyn	UD	Worthing	B
Preston	CB	Wrexham	B

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 1st June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) Order 1961 (Order R.B. (56)) as amended by the Wages Regulation (Retail Bespoke Tailoring) (England and Wales) (Amendment) Order 1962 (Order R.B. (58)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 686

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Importation of Plants (Amendment) Order 1964

<i>Made - - - -</i>	11th May 1964
<i>Laid before Parliament</i>	19th May 1964
<i>Coming into Operation</i>	1st June 1964

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 1 of the Destructive Insects Act 1877(a), as amended by section 1 of the Destructive Insects and Pests Act 1907(b) and section 1 of the Destructive Insects and Pests Act 1927(c) respectively, and of every other power enabling him in this behalf orders as follows:—

Citation and Commencement

1. This Order, which may be cited as the Importation of Plants (Amendment) Order 1964, shall come into operation on 1st June 1964 and shall be read as one with the Importation of Plants Order 1955(d) (hereinafter referred to as "the principal Order"). The principal Order, the Importation of Carnation Cuttings Order 1956(e), the Importation of Plants (Amendment) Order 1958(f), the Importation of Plants (Amendment) Order 1959(g) and this Order may be cited together as the Importation of Plants Orders 1955 to 1964.

Amendment of the principal Order

2. The principal Order is hereby amended as follows:—

(a) In Article 5 there shall be inserted after the words "(f) All species of the genus *Rosa*, from Australia, Italy or New Zealand," the words "(g) Florists' chrysanthemums (*Chrysanthemum sinense* Sabine), carnations and pelargoniums from Spain, Greece, Crete, Cyprus and all places outside Europe except the American Continent and New Zealand.

(b) In Article 7(1)

- (i) the word "and" at the end of sub-paragraph (c) shall be deleted;
- (ii) there shall be added at the end of sub-paragraph (d) the word "and"; and
- (iii) at the end there shall be added the following sub-paragraph "(e) they have been examined by an authorised officer of the Phytopathological Service of the country where the plants were grown and found by him to be free from *Prodenia litura* F. and from *Prodenia littoralis* Boisd."

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

(a) 40 & 41 Vict. c. 68.

(b) 7 Edw. 7. c. 4.

(c) 17 & 18 Geo. 5. c. 32.

(d) S.I. 1955/81 (1955 II, p. 1841).

(e) S.I. 1956/1519 (1956 II, p. 1742).

(f) S.I. 1958/1138 (1958 II, p. 1878).

(g) S.I. 1959/220 (1959 II, p. 2070).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Importation of Plants Order 1955, by prohibiting the importation into England or Wales (except under licence) of plants and cuttings of florists' chrysanthemum, carnation and pelargonium from certain countries and requiring all plants landed in England or Wales to have been examined by an authorised officer of the Phytopathological Service of the country where they were grown and to have been found by him to be free from the insects *Prodenia litura* F. and *Prodenia littoralis* Boisd.

 STATUTORY INSTRUMENTS

1964 No. 687

AGRICULTURE

The Price Stability of Imported Products (Minimum Import Price Levels) Order 1964
*Laid before Parliament in draft**Made - - 11th May 1964*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (4) and (6) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order :—

1. This order may be cited as the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964.

2.—(1) In this order—

“ the Act ” means the Agriculture and Horticulture Act 1964 ;

“ produce ” and “ related product ” have the meaning respectively assigned to them by section 1(10) of the Act ;

“ 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 ;

“ specified commodity ” means any description of produce or related product in relation to which the powers conferred by section 1(2) of the Act are for the time being exercisable by virtue of an order made by the Ministers under section 1(1) of the Act ;

“ tariff heading ” means a heading of the Customs Tariff 1959 (as provided under section 1(4) of the Import Duties Act 1958(b)), and four-figure references of the type “ 10.01 ” are references to tariff headings.

(2) In interpreting and applying the Schedule to this order the prescribed standard moisture content wherever referred to shall be 14 per cent. by weight.

(3) The Interpretation Act 1889 (c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3.—(1) On and after such date as the Ministers with the approval of the Treasury may by further order under section 1(2) of the Act in any case determine, the minimum price level for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to the tariff heading indicated in column 1 of the Schedule shall be that specified in relation thereto in column 3 of the Schedule.

(a) 1964 c. 28.

(b) 6 & 7 Eliz. 2. c. 6.

(c) 52 & 53 Vict. c. 63.

(2) In each case the minimum import price level prescribed by this order shall be taken to represent a price level at which goods would normally be delivered to a buyer at any port or place of importation in the United Kingdom including any duty of customs chargeable in the United Kingdom.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 7th May 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 8th May 1964.

Henry Brooke,
Secretary of State for the Home
Department.

Approved
11th May 1964.

M. A. Hamilton,
Martin McLaren,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE
MINIMUM IMPORT PRICE LEVELS

1. Tariff Heading	2. Description of Imports	3. Minimum Import Price Level (per ton)
	Imports of :—	£ s. d.
10.01	<p><i>Wheat :—</i></p> <p>A. Denatured wheat</p> <p>B. Other wheat :—</p> <p>1. European milling wheats ; wheats of comparable quality.</p> <p>2. Canadian Soft Eastern White ; United States Soft White No. 2 ; United States Soft Red Winter No. 2 ; wheats of comparable quality.</p> <p>3. Australian ; Canadian No. 5 ; wheats of comparable quality.</p> <p>4. United States Hard and Dark Hard Winters Nos. 1 and 2 with in each case less than 14 per cent. by weight of protein at the prescribed standard moisture content ; United States Hard White ; Argentinian ; Russian ; wheats of comparable quality.</p> <p>5. Canadian Manitoba Northern No. 4 ; United States Northern, Dark Northern and Red Springs Nos. 1 and 2 with in each case less than 14 per cent. by weight of protein at the pre- scribed standard moisture content ; United States Hard and Dark Hard Winters Nos. 1 and 2 with in each case 14 per cent. or more by weight of protein at the prescribed standard moisture content ; wheats of comparable quality.</p> <p>6. Any variety of durum wheat ; Canadian Manitoba Northern Nos. 1, 2 and 3 ; United States Northern, Dark Northern and Red Springs Nos. 1 and 2 with in each case 14 per cent. or more by weight of protein at the pre- scribed standard moisture content ; wheats of comparable quality.</p>	<p>20 10 0</p> <p>22 10 0</p> <p>23 10 0</p> <p>24 10 0</p> <p>25 5 0</p> <p>26 0 0</p> <p>26 10 0</p>
10.03	Barley	20 0 0
10.04	Oats	20 0 0
10.05	<p><i>Maize other than sweet corn on the cob :—</i></p> <p>A. Flat white maize</p> <p>B. Other</p>	<p>21 0 0</p> <p>21 0 0</p>
10.07	Grain Sorghum	20 10 0

1 Tariff Heading	2 Description of Imports	3 Minimum Import Price Level (per ton)		
		£	s.	d.
11.01	<i>Cereal flours, other than rice flour :</i>			
	A. Wheat flours including wholemeal flour :			
	1. denatured wheat flour	23	0	0
	2. other wheat flour :			
	(A) containing less than 10 per cent. by weight of protein at the prescribed standard moisture content	32	0	0
	(B) containing 10 per cent. or more but not more than 12 per cent. by weight of protein at the prescribed standard moisture content	36	0	0
	(C) containing more than 12 per cent. by weight of protein at the prescribed standard moisture content	40	0	0
	B. Other flours :			
	1. of barley	23	0	0
	2. of maize	23	0	0
	3. of oats	23	0	0
	4. other	23	0	0
11.02	<i>Cereal groats, cereal meal, other worked cereals and germ of cereals (other than any products of rice and any blocked, pot and pearl barley) :</i>			
	A. Cereal groats :			
	1. of wheat	23	0	0
	2. of barley	23	0	0
	3. of maize	23	0	0
	4. of oats	23	0	0
	5. other	23	0	0
	B. Cereal meals :			
	1. Wheat meal containing not more than 5 per cent. by weight of fibre at the prescribed standard moisture content :			
	(A) denatured wheat meal	23	0	0
	(B) other :			
	(1) containing less than 10 per cent. by weight of protein at the prescribed standard moisture content	32	0	0
	(2) containing 10 per cent. or more but not more than 12 per cent. by weight of protein at the prescribed standard moisture content	36	0	0
	(3) containing more than 12 per cent. by weight of protein at the prescribed standard moisture content	40	0	0
	2. Wheat meal containing more than 5 per cent. by weight of fibre at the prescribed standard moisture content	23	0	0
	3. of barley	23	0	0
	4. of maize			
	(A) containing less than 9 per cent. by weight of fibre at the prescribed standard moisture content	23	0	0

1	2	3 Minimum Import Price Level (per ton)		
Tariff Heading	Description of Imports			
11.02	(B) containing 9 per cent. or more by weight of fibre at the prescribed standard moisture content	£	s.	d.
		20	0	0
	5. of oats	23	0	0
	6. other	23	0	0
	C. Kibbled or cut cereals :			
	1. of wheat	23	0	0
	2. of barley	23	0	0
	3. of oats	23	0	0
	4. of maize	23	0	0
	5. other	23	0	0
	D. Rolled, flaked, crushed or bruised cereals :			
	1. of wheat	23	0	0
	2. of barley	23	0	0
	3. of oats	23	0	0
	4. of maize	23	0	0
	5. other	23	0	0
	E. Other processed cereals	23	0	0
23.02	<i>Bran, sharps and other residues derived from the sifting, milling and working of cereals other than of rice :</i> Containing not more than 15 per cent. by weight of fibre at the prescribed standard moisture content..	19	0	0

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes minimum import price levels for imports into the United Kingdom of the cereals, cereal products and by-products described in the Schedule. The price levels so prescribed come into effect on and after dates to be determined by order.

1964 No. 688

AGRICULTURE

AUTHORITIES

The Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations 1964

<i>Made - - - -</i>	11th May 1964
<i>Laid before Parliament</i>	21st May 1964
<i>Coming into Operation</i>	1st June 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 72 and 108(3) of the Agriculture Act 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations 1964; and shall come into operation on 1st June 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations 1960(c) shall be amended as follows:—

(a) by substituting for the proviso to regulation 3 thereof the following proviso:—

“ Provided that where representations have been made by the person affected in respect of any such proposal as is referred to in regulation 11(2) of the Milk (Special Designation) Regulations 1963(d) (being a proposal to refuse to grant a producer’s licence or a proposal to suspend or revoke such a licence), or any proposal to refuse consent to grant a licence under paragraph (b) of the proviso to regulation 9(1) of the said regulations, or any proposal to suspend or revoke any licence pursuant to regulation 9(3) of the said regulations, a County Agricultural Executive Committee shall not carry out the proposal without the consent of the Minister.”;

(b) by substituting for sub-paragraph (a) of regulation 5 thereof the following sub-paragraph:—

“(a) shall operate to delegate to a County Agricultural Executive Committee the Minister’s functions of refusing a grant of a licence by way of renewal or revoking a licence to which section 43 of the Food and Drugs Act 1955(e) applies (that is to say, a licence held by a retailer for a specified area as defined in the Act) or of deciding to suspend or to extend the period of suspension of such a licence if any person affected in relation thereto has requested reference of the matter to a tribunal”;

(c) by substituting in the Schedule thereto for the item relating to the granting of producers’ licences, receiving applications therefor and for

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/1777 (1960 I, p. 85).
 (d) S.I. 1963/1571 (1963 III, p. 2937). (e) 4 & 5 Eliz. 2. c. 16.

the renewal thereof, and receiving and considering evidence in support of such applications the following item:—

" Function of the Minister	Relevant provision
Granting producers' licences, licences by way of renewal thereof, and producers' licences for a temporary purpose, receiving applications therefor and receiving and considering evidence in support of such applications.	Regulations 5 and 8 of the Milk (Special Designation) Regulations 1963. ";

(d) by substituting in the said Schedule for the last item, the following item:—

" Function of the Minister	Relevant provision
Serving notice of proposal (a) to refuse to grant, (b) to suspend, (c) to extend the period of suspension, or (d) to revoke, a producer's licence, with particulars of the reasons therefor and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant, to suspend, to extend the period of suspension or to revoke a producer's licence as aforesaid, receiving requests to refer a matter to a tribunal, and referring such matter to a tribunal.	Regulations 6, 9(3) and 11 of the Milk (Special Designation) Regulations 1963. ";

(e) by adding at the end of the said Schedule the following items:—

" Function of the Minister	Relevant provision
Granting consent to the operation of the regulation whereby licence to use the special designation 'Untreated' is granted to a person whose producer's licence (granted otherwise than by that regulation) has been revoked.	Regulation 9(1) proviso (b) of the Milk (Special Designation) Regulations 1963.
Serving notice of proposal to refuse to grant consent under proviso (b) to regulation 9(1) of the Milk (Special Designation) Regulations 1963 with particulars of the reasons therefor, and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant such consent as aforesaid.	Regulations 9(4) and 11 of the Milk (Special Designation) Regulations 1963. ".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations 1960, following the Milk (Special Designation) Regulations 1963, and add to the functions already delegated by the Minister of Agriculture, Fisheries and Food to the County Agricultural Executive Committees the further functions of granting or refusing consent to the grant of a licence for certain farm catering sales to a person whose producer's licence has been revoked, suspending or extending the period of suspension of a producer's licence to which section 43 of the Food and Drugs Act 1955 applies in a case in which no request for reference to a tribunal has been made, receiving any request to refer a matter to a tribunal, and referring such matter to a tribunal.

1964 No. 689

COPYRIGHT

The Copyright (Mauritius) Order 1964

<i>Made - - - -</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 31 of the Copyright Act 1956(a), and of all other powers enabling Her in that behalf, is pleased to direct, and it is hereby directed, as follows:—

1. The provisions of the Copyright Act 1956 specified in Part 1 of the Schedule hereto shall extend to Mauritius subject to the modifications specified in Part 2 of the Schedule.

2. The Copyright (International Organisations) Order 1957(b), as amended(c), and the Copyright (Broadcasting Organisations) Order 1961(d) (being Orders in Council made under Part V of the said Act) shall extend to Mauritius.

3. The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Copyright (Mauritius) Order 1964 and shall come into operation on 21st May 1964.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 74.

(b) S.I. 1957/1524 (1957 I, p. 483).

(c) S.I. 1958/1052 (1958 I, p. 363).

(d) S.I. 1961/2460 (1961 III, p. 4505).

(e) 52 & 53 Vict. c. 63.

SCHEDULE

PART 1

Provisions of the Copyright Act 1956 extended to Mauritius

All the provisions of the Copyright Act 1956 as amended by the Performers' Protection Acts 1958 and 1963(a) and the Films Act 1960(b), except sections 23 to 30, sections 32, 34, 35, 42 and 44 and Schedules 4 and 5.

PART 2

Modifications to the provisions extended

The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

Provision	Modification
Section 7	For the references to the Board of Trade there shall be substituted references to the Governor in Council.
Section 8	<p>In subsections (1) and (10), for " the United Kingdom " there shall be substituted " Mauritius " ;</p> <p>in the proviso to subsection (2), for references to one farthing there shall be inserted references to two cents and for references to three-farthings there shall be substituted references to six cents ;</p> <p>for subsection (3) there shall be substituted the following:—</p> <p>" (3) If at any time the Board of Trade by order made under this subsection in its operation in the law of the United Kingdom prescribe for the purposes of this section either generally or in relation to any one or more classes of records, any different rate of, or minimum amount of, royalty the provisions of this section shall be construed subject to the provisions of any such order as is for the time being in force, provided that any reference in any such order to a sum of money shall be construed as a reference to the equivalent sum in the currency of legal tender in Mauritius as provided by any law in Mauritius. " ;</p> <p>in subsection (4), for paragraph (a) there shall be substituted the following:—</p> <p>" (a) the minimum amount of royalty shall be six cents in respect of each of those works ; and " ;</p> <p>in subsection (11), for the references to the Board of Trade there shall be substituted references to the Governor in Council.</p>
Section 10	<p>For subsection (5) there shall be substituted the following:—</p> <p>" (5) For the purposes of this section a design shall be taken as being applied industrially if it is applied in the circumstances for the time being prescribed by rules made by the Board of Trade under this section and under section 36 of the Registered Designs Act 1949, as extended by this section in the law of the United Kingdom. " .</p>
Section 12	In subsection (6), for " the United Kingdom " there shall be substituted " Mauritius " .
Section 13	<p>For subsection (3) there shall be substituted the following:—</p> <p>" (3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist until the</p>

(a) 6 & 7 Eliz. 2. c. 44 and 1963 c. 53.

(b) 8 & 9 Eliz. 2. c. 57.

Provision	Modification
Section 13 (<i>contd.</i>)	<p>film is published and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication and shall then expire, or, if copyright subsists in the film by virtue only of the last preceding subsection, if shall continue to subsist as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date and shall then expire.”;</p> <p>in subsection (8), for “any such film as is mentioned in paragraph (a) of subsection (1) of section 38 of the Films Act 1960 (which relates to newsreels)” there shall be submitted “any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news”;</p> <p>subsection (11) shall be omitted.</p>
Section 15	<p>... In subsection (4), for “Board of Trade” there shall be substituted “Governor in Council”.</p>
Section 17	<p>... There shall be inserted, after subsection (4), the following subsection:—</p> <p>“(4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of six years from the date at which the right of action accrued.”;</p> <p>subsection (6) shall be omitted.</p>
Section 18	<p>... In subsection (1), for the proviso there shall be substituted the following:—</p> <p>“Provided that where a cause of action in respect of the conversion or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the copyright shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.”;</p> <p>subsection (4) shall be omitted.</p>
Section 21	<p>... In subsections (1) and (6), for “the United Kingdom” there be substituted “Mauritius”;</p> <p>in subsection (7), for “forty shillings” there shall be substituted “fifty rupees”;</p> <p>in subsections (7) and (8), for “summary conviction” there shall be substituted “conviction before a District Court”, and for “fifty pounds” there shall be substituted “one thousand rupees”;</p> <p>for subsection (10) there shall be substituted the following:—</p> <p>“(10) An appeal shall lie to the Supreme Court from any order made under the last preceding subsection by a District Court.”.</p>
Section 22	<p>... In subsection (1), for “the Commissioners of Customs and Excise (in this section referred to as “the Commissioners”)” there shall be substituted “the Comptroller of Customs”</p>

Provision	Modification
Section 22 (<i>contd.</i>)	<p>and for subsequent references in the section to the Commissioners there shall be substituted references to the said Comptroller;</p> <p>in subsection (2) and (3), for "the United Kingdom" there shall be substituted "Mauritius";</p> <p>in subsection (4), after "regulations", where that word first occurs, there shall be inserted "subject to the approval of the Governor in Council", and for "consider" there shall be substituted "considers";</p> <p>for subsection (6) there shall be substituted the following:—</p> <p style="padding-left: 40px;">"(6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of the general revenue.";</p> <p>in subsection (7), for the references to the Customs and Excise Act 1952 there shall be substituted references to the Customs Ordinance 1947.</p>
Section 31	<p>... Subsections (1) and (2) shall be omitted;</p> <p>in subsection (4), for "the United Kingdom" there shall be substituted "Mauritius" and for "in a country" there shall be substituted "in the United Kingdom or in any country other than Mauritius."</p>
Section 33	<p>... For subsection (1) there shall be substituted the following:—</p> <p style="padding-left: 40px;">"(1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom which has been extended, in relation to that organisation, to Mauritius."</p>
Section 37	<p>... Subsection (4) shall be omitted.</p>
Section 39	<p>... In subsection (8), for "section 3 of the Crown Proceedings Act 1947" there shall be substituted "section 3 of the Crown Proceedings Ordinance 1953".</p>
Section 40	<p>... Subsection (3) shall be omitted;</p> <p>in subsection (4), for "either of the two last preceding subsections" there shall be substituted "the last preceding subsection" and "or the programme to be transmitted, as the case may be" shall be omitted;</p> <p>in subsection (5), the references to a work shall be omitted.</p>
Section 41	<p>... For subsection (7) there shall be substituted the following:—</p> <p style="padding-left: 40px;">(7) In this section—</p> <p style="padding-left: 80px;">"school" has the same meaning as in the Education Ordinance 1957;</p> <p style="padding-left: 40px;">and</p> <p style="padding-left: 40px;">"duplicating process" means any process involving the use of an appliance for producing multiple copies."</p>
Section 43	<p>... In subsections (2), (4) and (6), for "the United Kingdom" there shall be substituted "Mauritius".</p>
Section 46	<p>... Subsection (1) shall be omitted;</p> <p>in subsection (2), "(including any enactment of the Parliament of Northern Ireland)" shall be omitted.</p>

Provision	Modification	
Section 47 ...	The whole section except subsection (4) shall be omitted; in subsection (4), " or rules " shall be omitted.	
Section 48 ...	In subsection (4), for " the United Kingdom " there shall be substituted " Mauritius ".	
Section 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " Mauritius ".	
Section 51 ...	For subsection (2) there shall be substituted the following:— “(2)—(a) Any provision of this Act empowering the Governor in Council or the Comptroller of Customs to make regulations shall come into operation on the commencement of the Order in Council extending that provision to the Mauritius. (b) All the other provisions of this Act shall come into operation on 21st November 1964.”; subsection (3) shall be omitted.	
Schedule 1 ...	In paragraph 2, for " section 7 of the Act of 1949 " there shall be substituted " section 2 of the United Kingdom Designs (Protection) Ordinance 1936 ".	
Schedule 7 ...	Paragraphs 25, 26, 40 and 41 shall be omitted; in paragraph 46, for " the United Kingdom " there shall be substituted " Mauritius ".	
Schedule 9 ...	For the table therein set out there shall be substituted the following:—	
ENACTMENTS REPEALED		
Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 5. c. 46.	The Copyright Act 1911.	The whole Act.
18 & 19 Geo. 5. c. lii.	The Copyright Order Confirmation (Mechanical Instruments; Royalties) Act 1928.	The whole Act.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends the provisions of the Copyright Act 1956, with certain exceptions and modifications, to form part of the law of Mauritius.

The Order also extends, to form part of the law of that country, two Orders in Council, as amended, made under the provisions of the Copyright Act. Works produced by the international organisations specified in the Copyright (International Organisations) Order 1957 as amended, and broadcasts to the public made in countries to which section 14 of the Copyright Act has been extended by Order in Council will now enjoy in

Mauritius protection similar to that which they at present enjoy in the United Kingdom and broadcasts made in Mauritius will enjoy similar protection in each of those countries to which the Copyright (Broadcasting Organisations) Order 1961 has been extended.

Works originating in certain foreign and Commonwealth countries are also being protected by the extension to Mauritius of the Copyright (International Conventions) Order 1964 (S.I. 1964/690) which comes into operation at the same time as this Order.

 STATUTORY INSTRUMENTS

1964 No. 690

COPYRIGHT

The Copyright (International Conventions) Order 1964

<i>Made</i> - - - -	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956(a) (hereinafter referred to as "the Act"), and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered as follows:—

PART I

Protection in respect of literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions

1. Subject to the following provisions of this Order, the provisions of Parts I and II of the Act (except section 14) and all the other provisions of the Act relevant thereto, being the provisions relating to literary, dramatic, musical and artistic works, sound recordings, cinematograph films and published editions of literary, dramatic or musical works, shall apply in the case of each of the countries mentioned in Schedule 1 hereto as follows:—

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions first published in that country, as they apply in relation to such works, recordings, films or editions first published in the United Kingdom ;
- (b) in relation to persons who, at a material time (as hereinafter defined), are citizens or subjects of, or domiciled or resident in, that country, as they apply in relation to persons who, at such a time, are British subjects or domiciled or resident in the United Kingdom ;
- (c) in relation to bodies incorporated under the laws of that country, as they apply in relation to bodies incorporated under the laws of any part of the United Kingdom.

2.—(1) Subject to the following provisions of this Article, the relevant provisions of Schedule 7 to the Act shall, in relation to any work or other subject matter in which copyright subsists by virtue of this Part of this Order, have effect as if for references, wherever they occur therein, to the commencement of the Act or of any provision of the Act or to the repeal of any provision of the Copyright Act 1911(b) or of any other enactment there were substituted references to 27th September 1957 (being the date on which the Copyright (International Conventions) Order 1957(c) (hereinafter referred to as "the 1957 Order") came into operation).

(a) 4 & 5 Eliz. 2. c. 74. (b) 1 & 2 Geo. 5. c. 46. (c) S.I. 1957/1523 (1957 I, p. 474).

(2) Subject to the following provisions of this Article, copyright shall not subsist by virtue of this Part of this Order in any work or other subject-matter by reason only of its publication before 27th September 1957 in a country which is a party to the Universal Copyright Convention but which is not a country of the Berne Copyright Union.

(3) In the case of any country mentioned in column 1 of Schedule 2 to this Order paragraphs (1) and (2) of this Article shall have effect as if there were substituted for the references therein to 27th September 1957 references to the date set out against the name of that country in column 2 of that Schedule (being the date on which the provisions of the Act were first applied in the case of that country).

(4) This Article shall not apply—

(a) in the case of Ghana or Nigeria ; or

(b) to any work or subject-matter first published in the United States of America, if, immediately before 27th September 1957, copyright under the Copyright Act 1911 subsisted in such work or subject-matter by virtue of either an Order in Council dated 9th February 1920, regulating copyright relations with the United States of America^(a), or the Copyright (United States of America) Order 1942^(b), as amended^(c).

3. The acts restricted by section 12 of the Act as applied by this Part of this Order shall not include—

(a) causing the recording to be heard in public ; or

(b) broadcasting the recording ;

except in the case of the countries mentioned in Schedule 3 to this Order.

4. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work or other subject-matter in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Part of this Order, have been lawful, nothing in this Part of this Order shall diminish or prejudice any right or interest arising from, or in connection with such action which is subsisting and valuable immediately before the commencement of this Order unless the person who, by virtue of this Part of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation, as failing agreement, may be determined by arbitration.

5. In this Part of this Order—

(a) “ country of the Berne Copyright Union ” means any country mentioned in Part 1 of Schedule 1 to this Order ;

(b) “ material time ” means—

(i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made or, if the making thereof extended over a period, a substantial part of that period ;

(ii) in relation to a published work or subject-matter, the time of first publication ;

(a) S.R. & O. 1920/257 (1920 I, p. 286).

(b) S.R. & O. 1942/1579 (Rev. IV, p. 963; 1942 I, p. 87). (c) S.I. 1950/1641 (1950 I, p. 399).

(c) "party to the Universal Copyright Convention" means any country mentioned in Part 2 of Schedule 1 to this Order.

6. Nothing in the provisions of the Act as applied by this Part of this Order shall be construed as reviving any right to make, or restrain the making of, or any right in respect of, translations, if such right has ceased before the commencement of this Order.

7. This Part of this Order, and Part III, so far as relevant thereto, shall extend to the countries mentioned in column 1 of Part 1 of Schedule 4 to this Order subject to the modifications specified in Part 2 of that Schedule.

PART II

Protection in respect of broadcasts

8. The provisions of section 14 of the Act, so far as they relate to sound broadcasts, and all the other provisions of the Act relevant thereto, other than section 40(3), shall apply, in the case of each of the countries mentioned in column 1 of Schedule 5 to this Order, in relation to sound broadcasts made from places in those countries by an organisation constituted in, or under the laws of, the country in which the sound broadcast is made, as they apply in relation to broadcasts made from places in the United Kingdom by the British Broadcasting Corporation; so, however, that paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 of the Act there were substituted references to the respective dates set out in column 2 of Schedule 5 to this Order (being the dates on which the provisions of section 14 of the Act so far as they relate to sound broadcasts were first applied in the case of those countries).

9. The provisions of section 14 of the Act, so far as they relate to television broadcasts, and all the other provisions of the Act relevant thereto, other than section 37(4), section 40(3) and Schedule 5, shall apply in the case of each of the countries mentioned in column 1 of Schedule 6 to this Order, in relation to television broadcasts made from places in those countries by an organisation constituted in, or under the laws of, the country in which the television broadcast was made, as they apply in relation to television broadcasts made from places in the United Kingdom by the British Broadcasting Corporation or the Independent Television Authority; so, however, that—

(a) section 24(3)(c) of the Act shall have effect as if for the reference to the Corporation or the Authority or any organisation appointed by them there were substituted a reference to any owner or prospective owner of copyright in television broadcasts; and

(b) paragraphs 17 and 18 of Schedule 7 to the Act shall have effect as if for the references therein to the commencement of section 14 of the Act there were substituted references to the respective dates set out in column 2 of Schedule 6 to this Order, (being the dates on which the provisions of section 14 of the Act so far as they relate to television broadcasts were first applied in the case of those countries).

PART III

Supplemental

10.—(1) The Orders mentioned in Part 1 of Schedule 7 to this Order are hereby revoked insofar as they form part of the law of the United Kingdom or any country to which this Order extends; and accordingly the Orders mentioned in column 2 of Part 1 of Schedule 4 to this Order

(being the Orders whereby the Act and the 1957 Order were extended to the countries to which this Order extends) shall have effect as though there were omitted therefrom the respective provisions mentioned in column 4 of that Part of that Schedule (being the provisions extending the 1957 Order and other Orders hereby revoked to those countries):

Provided that, notwithstanding the revocation of the 1957 Order, and without prejudice to the effect of section 38 of the Interpretation Act 1889^(a) (which relates to the effect of repeals) as applied by Article 11 of this Order, Article 2 of the 1957 Order shall continue to apply in any case in which it applied before the commencement of this Order as it applied by virtue of the 1957 Order or any of the other Orders hereby revoked.

(2) The Orders mentioned in Part 2 of Schedule 7 to this Order are hereby revoked in the law of the United Kingdom.

11. The Interpretation Act 1889 shall apply to the interpretation of this Order as if this Order and the Orders hereby revoked were Acts of Parliament.

12. This Order may be cited as the Copyright (International Conventions) Order 1964 and shall come into operation on 21st May 1964.

W. G. Agnew.

SCHEDULE 1

PART 1

COUNTRIES OF THE BERNE COPYRIGHT UNION

Australia (and Papua, New Guinea, Nauru and Norfolk Island).
 Austria.
 Belgium.
 Brazil.
 Bulgaria.
 Canada.
 Ceylon.
 Congo (Brazzaville).
 Congo (Leopoldville).
 Cyprus.
 Czechoslovakia.
 Dahomey.
 Denmark.
 Finland.
 France (and French territories overseas).
 Gabon.
 Federal Republic of Germany (and Land Berlin).
 Greece.
 Hungary.
 Iceland
 India.
 Republic of Ireland.
 Israel.
 Italy.
 Ivory Coast.
 Japan.
 Lebanon.
 Liechtenstein.
 Luxembourg.
 Mali.
 Monaco.
 Morocco.

Netherlands (and Surinam and Netherlands Antilles).
New Zealand.
Niger.
Norway.
Pakistan.
Philippines.
Poland.
Portugal (including Portuguese provinces overseas).
Roumania.
Senegal.
South Africa (and South West Africa).
Spain (and its Colonies).
Sweden.
Switzerland.
Thailand.
Tunisia.
Turkey.
Upper Volta.
Vatican City.
Western Samoa.
Yugoslavia.

PART 2

PARTIES TO THE UNIVERSAL COPYRIGHT CONVENTION

Andorra.
Argentina.
Austria.
Belgium.
Brazil.
Cambodia.
Canada.
Chile.
Costa Rica.
Cuba.
Czechoslovakia.
Denmark.
Ecuador.
Finland.
France.
Federal Republic of Germany (and Land Berlin).
Ghana.
Greece.
Haiti.
Iceland.
India.
Republic of Ireland.
Israel.
Italy.
Japan.
Laos.
Lebanon.
Liberia.
Liechtenstein.
Luxembourg.
Mexico.
Monaco.
Nicaragua.
Nigeria.
Norway.
Pakistan.
Panama.

Paraguay.
 Peru.
 Philippines.
 Portugal.
 Spain.
 Sweden.
 Switzerland.
 United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America).
 Vatican City.

SCHEDULE 2

DATES ON WHICH PROVISIONS OF THE ACT WERE FIRST APPLIED BY PREVIOUS ORDERS OTHER THAN THE 1957 ORDER TO COUNTRIES BEING PARTIES TO THE UNIVERSAL COPYRIGHT CONVENTION BUT NOT MEMBERS OF THE BERNE COPYRIGHT UNION.

Country	Date on which the Act was first applied
Argentina	13th February 1958.
Nicaragua	16th August 1961.
Paraguay	11th March 1962.
Panama	17th October 1962.
Peru	16th October 1963.

SCHEDULE 3

COUNTRIES IN THE CASE OF WHICH COPYRIGHT IN SOUND RECORDINGS INCLUDES EXCLUSIVE RIGHT TO PERFORM IN PUBLIC AND TO BROADCAST

Australia.
 Canada.
 Ceylon.
 Congo (Brazzaville).
 Cyprus.
 Denmark.
 Ecuador.
 Federal Republic of Germany (and Land Berlin).
 India.
 Republic of Ireland.
 Italy.
 Israel.
 Mexico.
 New Zealand.
 Nigeria.
 Norway.
 Pakistan.
 South Africa.
 Spain.
 Sweden.
 Switzerland.
 Western Samoa.

SCHEDULE 4

COUNTRIES TO WHICH PART I OF THIS ORDER EXTENDS AND MODIFICATIONS THEREOF IN RELATION TO SUCH EXTENSION

PART I

Column 1 Country	Column 2 Relevant Order	Column 3 Operative date of Relevant Order	Column 4 Provisions omitted from Relevant Order
Isle of Man ...	The Copyright (Isle of Man) Order 1959 (S.I. 1959/861; 1959 I, p. 748).	31st May 1959	Paragraph 1 of Schedule 2.
Gibraltar ...	The Copyright (Gibraltar) Order 1960 (S.I. 1960/847; 1960 I, p. 767).	1st October 1960	The reference to the Copyright (International Conventions) Order 1957 in Article 2, and paragraph 1 of Schedule 2.
Fiji	The Copyright (Fiji) Order 1961 (S.I. 1961/60; 1961 I, p. 116).	1st June 1961	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Bermuda ...	The Copyright (Bermuda) Order 1962 (S.I. 1962/1642; 1962 II, p. 1909).	6th December 1962	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Bahama Islands	The Copyright (Bahamas) Order 1962 (S.I. 1962/2184; 1962 III, p. 2964).	11th February 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Virgin Islands	The Copyright (Virgin Islands) Order 1962 (S.I. 1962/2185; 1962 III, p. 2969).	11th February 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
The Falkland Islands and its Dependencies	The Copyright (Falkland Islands) Order 1963 (S.I. 1963/1037; 1963 II, p. 1761).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.

Column 1 Country	Column 2 Relevant Order	Column 3 Operative date of Relevant Order	Column 4 Provisions omitted from Relevant Order
St. Helena and its Dependencies	The Copyright (St. Helena) Order 1963 (S.I. 1963/1038; 1963 II, p. 1767).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Seychelles ...	The Copyright (Seychelles) Order 1963 (S.I. 1963/1039; 1963 II, p. 1772).	10th October 1963	The references to the Copyright (International Conventions) Order 1957 and the Copyright (International Conventions) (Argentina) Order 1958 in Article 2, and paragraphs 2 and 3 of Schedule 2.
Mauritius ...	The Copyright (Mauritius) Order 1964 (S.I. 1964/689; 1964 II, p. 1313).	21st November 1964	

PART 2

1. In so far as Part I of this Order forms part of the law of any country by virtue of Article 7 of this Order, Article 1 of this Order shall have effect as if for references therein to "the United Kingdom" there were substituted references to that country.

2. In so far as Part I of this Order forms part of the law of any such country as aforesaid, Article 2 of this Order shall have effect subject to the following modifications—

(a) there shall be substituted for the references in paragraphs (1) and (2) to 27th September 1957, references to the following date, that is to say—

(i) in relation to any country mentioned in Schedule 1 to this Order and not mentioned in column 1 of Schedule 2 to this Order, and also in relation to any country mentioned in column 1 of Schedule 2 where the date set out in column 2 of that Schedule against the name of that country is a date earlier than the operative date of the relevant Order, there shall be substituted the operative date of that Order (being the date on which the Act was first extended to that country);

(ii) in relation to any other country mentioned in column 1 of Schedule 2 to this Order, there shall be substituted the date set out in column 2 of that Schedule against the name of that country (being the date on which the provisions of the Act were first applied in the case of that country);

(b) paragraph (3) shall be omitted; and

(c) there shall be substituted for the reference in paragraph (4) to 27th September 1957, a reference to the operative date of the relevant Order.

3. In paragraphs 1 and 2 of this Part of this Schedule the "relevant Order" and the "operative date" of that Order respectively mean, in relation to any country to which Part I of this Order extends, the Order and the date mentioned against the name of that country, in columns 2 and 3 of Part I of this Schedule.

SCHEDULE 5

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO
SOUND BROADCASTS

Country	Date
Congo (Brazzaville)	21st May 1964.
Ecuador	21st May 1964.
Mexico	21st May 1964.
Niger	21st May 1964.
Sweden	21st May 1964.

SCHEDULE 6

COUNTRIES WHOSE ORGANISATIONS ARE PROTECTED IN RELATION TO
TELEVISION BROADCASTS

Country	Date
France	1st July 1961.
Sweden	1st July 1961.
Denmark	1st February 1962.
Congo (Brazzaville)	21st May 1964.
Ecuador	21st May 1964.
Mexico	21st May 1964.
Niger	21st May 1964.

SCHEDULE 7

PART I

ORDERS REVOKED IN THE LAW OF THE UNITED KINGDOM AND OTHER COUNTRIES
TO WHICH PART I OF THIS ORDER EXTENDS

Order	S.I. number and reference
The Copyright (International Conventions) Order 1957.	S.I. 1957/1523 (1957 I, p. 474).
The Copyright (International Conventions) (Argentina) Order 1958.	S.I. 1958/135 (1958 I, p. 361).
The Copyright (International Conventions) (Amendment) Order 1958.	S.I. 1958/1254 (1958 I, p. 358).
The Copyright (International Conventions) (Amendment No. 2) Order 1958.	S.I. 1958/2184 (1958 I, p. 360).
The Copyright (International Conventions) (Amendment) Order 1960.	S.I. 1960/200 (1960 I, p. 772).
The Copyright (International Conventions) (Amendment) Order 1961.	S.I. 1961/1496 (1961 II, p. 3040).
The Copyright (International Conventions) (Amendment No. 2) Order 1961.	S.I. 1961/2461 (1961 III, p. 4507).
The Copyright (International Conventions) (Amendment) Order 1962.	S.I. 1962/397 (1962 I, p. 348).
The Copyright (International Conventions) (Amendment No. 2) Order 1962.	S.I. 1962/628 (1962 I, p. 631).
The Copyright (International Conventions) (Amendment No. 3) Order 1962.	S.I. 1962/1641 (1962 II, p. 1907).
The Copyright (International Conventions) (Amendment No. 4) Order 1962.	S.I. 1962/2183 (1962 III, p. 2962).
The Copyright (International Conventions) (Amendment) Order 1963.	S.I. 1963/1625 (1963 III, p. 3018).

PART 2

ORDERS REVOKED IN THE LAW OF THE UNITED KINGDOM

Order	S.I. number and reference
The Copyright (Foreign Television Broadcasts) Order 1961.	S.I. 1961/993 (1961 II, p. 1917).
The Copyright (Foreign Television Broadcasts) (Amendment) Order 1962.	S.I. 1962/165 (1962 I, p. 166).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Orders mentioned in Schedule 7 (being Orders providing for the protection here and in the countries to which the Copyright Act 1956 has been extended of works and other subject-matter of foreign and Commonwealth origin) and re-enacts the revoked provisions with minor modifications.

The Order also takes account of—

- (a) the accession of Finland, Greece and Norway to the Universal Copyright Convention ;
- (b) the fact that Cyprus, Upper Volta and Congo (Leopoldville) have subscribed in their own right to the Berne Copyright Union ; and
- (c) the ratification by Congo (Brazzaville), Ecuador, Mexico, Niger and Sweden of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, which provides, *inter alia*, for the protection of sound recordings and broadcasts.

The Order (other than Part II, which relates exclusively to the protection of broadcasts) is extended to the countries named in Schedule 4, being countries in which the Copyright Act 1956 is in force by virtue of Orders in Council made under that Act.

1964 No. 691

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) No. 4 Order 1928
Amendment Order 1964*Laid before Parliament in draft*

Made - - - - 12th May 1964

Coming into Operation 12th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas the question whether the Merchandise Marks (Imported Goods) No. 4 Order 1928(a), as amended(b) (hereinafter referred to as "the principal Order") should be further amended in the manner hereinafter appearing was referred to the appropriate Committee appointed under the Merchandise Marks Act 1926(c); and, the reports of the Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that the principal Order should accordingly be further amended;

And whereas a draft of this Order has lain before Parliament for a period of 40 days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(d) and neither House of Parliament has resolved that the draft be not submitted to Her Majesty;

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

1. The principal Order shall have effect subject to the amendment that for article 9 there shall be substituted the following article:—

"9.—(1) The indication of origin shall, in the case of—

(a) any bearing of which the outside diameter is not more than 25.4 millimetres;

(b) any ball bearing with a single split through the outer race at right angles to the path of the balls,

be printed or stamped on the wrapper or container in which the bearing is imported, sold or exposed for sale, as the case may be.

(2) The indication of origin, in the case of any other bearing, shall be die-stamped or otherwise impressed or etched on the visible surface of the outer ring of the bearing."

(a) S.R. & O. 1928/1047 (Rev. XIII, p. 460: 1928, p. 855).

(b) The relevant amending instrument is S.I. 1961/1498 (1961 II, p. 3048).

(c) 16 & 17 Geo. 5. c. 53.

(d) 9 & 10 Geo. 6. c. 36.

2. The Merchandise Marks (Imported Goods) No. 4 Order 1928 Amendment Order 1961(a) is hereby revoked.

3.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) No. 4 Order 1928 Amendment Order 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Merchandise Marks (Imported Goods) No. 4 Order 1928, as amended, prohibits the importation into, or the sale or exposure for sale in, the United Kingdom of imported ball or roller bearings unless they bear an indication of origin applied in the manner specified in the Order.

This Order varies the manner in which the indication of origin is to be applied to bearings with an outside diameter of over 12·7 mm. and not over 25·4 mm. (that is to say, very slightly over $\frac{1}{2}$ inch and 1 inch respectively), and to ball bearings with a single split through the outer race at right angles to the path of the balls. In these cases the indication of origin is now required to be printed or stamped on the wrapper or container. This requirement continues to apply to bearings with an outside diameter of 12·7 mm. or less. In the case of any other bearing the indication must still be die-stamped or otherwise impressed or etched on the visible surface of the outer ring of the bearing.

This Order revokes an earlier amending Order (S.I. 1961/1498), the effect of which is incorporated in this Order.

The Reports referred to in this Order are contained in Command Papers No. 2136 and No. 2234.

(a) S.I. 1961/1498 (1961 II, p. 3048).

(b) 52 & 53 Vict. c. 63.

 STATUTORY INSTRUMENTS

1964 No. 692

PATENTS

DESIGNS

TRADE MARKS

The Patents Etc. (Cameroon) (Convention) Order 1964

Made - - - - 12th May 1964
 Coming into Operation 12th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 68 of the Patents Act 1949(a), section 13 of the Registered Designs Act 1949(b), and section 91A of the Patents and Designs Act 1907(c), as amended(d), by and with the advice of Her Privy Council, is pleased to declare, and it is hereby declared, as follows:—

1. The Federal Republic of Cameroon is a Convention country for all the purposes of the said Acts.
2. The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
3. This Order may be cited as the Patents Etc. (Cameroon) (Convention) Order 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Government of the Federal Republic of Cameroon has given notice of its accession to the International Convention for the Protection of Industrial Property (as revised in Lisbon in 1958).

This Order discharges the Convention obligations of the United Kingdom, which is a party to the Convention, by declaring the Republic to be a Convention country for all the purposes of the Acts relating to Patents, Designs and Trade Marks.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 12, 13 & 14 Geo. 6. c. 88. (e) 7 Edw. 7. c. 29.
 (d) The relevant amending Statutes are 1 & 2 Geo. 6. c. 29 and 12, 13 & 14 Geo. 6. c. 62.
 (e) 52 & 53 Vict. c. 63.

1964 No. 693

CIVIL AVIATION

**The Carriage by Air (Non-international Carriage)
(United Kingdom) Order 1964**

<i>Made</i> - - - -	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964.

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4 of the Carriage by Air Act 1932(a), as applied by section 5(2) and (3) of the Carriage by Air (Supplementary Provisions) Act 1962(b), and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and operation

1. This Order may be cited as the Carriage by Air (Non-international Carriage) (United Kingdom) Order 1964 and shall come into operation on 21st May 1964.

Interpretation

2.—(1) In this Order,

“ the principal Act ” means the Carriage by Air Act 1932 ;

“ the principal Order ” means the Carriage by Air (Non-International Carriage) (United Kingdom) Order 1952(c), as amended (d) ;

“ the principal Rules ” means the provisions of the First Schedule to the principal Act as adapted and modified by the principal Order.

(2) The Interpretation Act 1889(e) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Application of Guadalajara Convention to Non-international Carriage

3. The provisions of Part I of the Schedule to the Carriage by Air (Supplementary Provisions) Act 1962 shall, subject to the exceptions, adaptations and modifications specified in Schedule 1 to this Order, apply to all carriage by air not being international carriage as defined in Article 1(2) of the First Schedule to the principal Act, and not for the time being excepted from the application of the principal Rules by a direction given under Article 3 of the principal Order. The said provisions, as so adapted and modified, are for convenience of reference set out in Schedule 2 to this Order.

(a) 22 & 23 Geo. 5. c. 36.

(c) S.I. 1952/158 (1952 I, p. 548).

(b) 10 & 11 Eliz. 2. c. 43.

(d) S.I. 1959/1770 (1959 I, p. 685).

(e) 52 & 53 Vict. c. 63.

4. Sections 2(3) and 4 of the Carriage by Air (Supplementary Provisions) Act 1962 shall apply to the carriage by air specified in Article 3 of this Order as if references in those sections to "the Schedule to this Act" were references to that Schedule as applied by this Order, and as if the reference to "the Convention set out in the First Schedule to the said Act of 1932" and to "that Convention" were references to the principal Rules.

5. This Order shall not apply so as to affect rights or liabilities arising out of an occurrence before this Order comes into operation.

W. G. Agnew.

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS

In Part I of the Schedule to the Act of 1962:—

1. The heading "Convention supplementary to the Warsaw Convention for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier" shall be omitted.

2. In Article I—

For the word "Convention" there shall be substituted the word "Schedule".

Paragraph (a) shall be omitted.

In paragraph (b) the words "governed by the Warsaw Convention" shall be omitted.

In paragraph (c) for the words "Warsaw Convention" there shall be substituted the words "principal Rules".

3. In Article II—

The words "which, according to the agreement referred to in Article I, paragraph (b), is governed by the Warsaw Convention", shall be omitted.

For the words "this Convention" there shall be substituted the words "this Schedule".

For the words "rules of the Warsaw Convention" there shall be substituted the words "principal Rules".

After the word "agreement" there shall be inserted the words "for carriage".

4. In Article III, in paragraph 2—

For the words "Warsaw Convention" wherever they occur there shall be substituted the words "principal Rules".

For the words "that Convention" there shall be substituted the words "those Rules".

For the words "declaration of interest in delivery at destination" there shall be substituted the words "contract in writing".

For the words "Article 22 of the said Convention" there shall be substituted the words "the said Article".

5. In Article IV—

For the words "Warsaw Convention" wherever they occur there shall be substituted the words "principal Rules".

6. In Article V—

For the word "Convention" there shall be substituted the word "Schedule".

For the words "Warsaw Convention" there shall be substituted the words "principal Rules".

7. In Article VI—

For the word "Convention" there shall be substituted the word "Schedule".

8. In Article VII—

The second sentence shall be omitted.

9. Article VIII shall not apply.

10. In Article IX—

For the word "Convention" wherever it occurs there shall be substituted the word "Schedule".

In paragraph 3, the words "whether", "or by altering the rules as to jurisdiction" and "if the arbitration is to take place in one of the jurisdictions referred to in Article VIII" shall be omitted.

11. In Article X—

For the word "Convention" there shall be substituted the word "Schedule".

12. Articles XI to XVIII shall not apply.

SCHEDULE 2

ARTICLE I

In this Schedule:

(b) "contracting carrier" means a person who as a principal makes an agreement for carriage with a passenger or consignor or with a person acting on behalf of the passenger or consignor;

(c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the principal Rules. Such authority is presumed in the absence of proof to the contrary.

ARTICLE II

If an actual carrier performs the whole or part of carriage, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Schedule, be subject to the principal Rules, the former for the whole of the carriage contemplated in the agreement for carriage, the latter solely for the carriage which he performs.

ARTICLE III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the principal Rules. Any special agreement under which the contracting carrier assumes obligations not imposed by the principal Rules or any waiver of rights conferred by those Rules or any special contract in writing contemplated in the said Article shall not affect the actual carrier unless agreed to by him.

ARTICLE IV

Any complaint to be made or order to be given under the principal Rules to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the principal Rules shall only be effective if addressed to the contracting carrier.

ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier and of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Schedule to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the principal Rules, prevents the limits of liability from being invoked.

ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Schedule, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately.

ARTICLE IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Schedule or to fix a lower limit than that which is applicable according to this Schedule shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Schedule.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Schedule by deciding the law to be applied, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Schedule.

ARTICLE X

Except as provided in Article VII, nothing in this Schedule shall affect the rights and obligations of the two carriers between themselves.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Guadalajara Convention of 1962, which unifies certain rules relating to international carriage by air performed by a person other than the contracting carrier, is given effect in the United Kingdom by the Carriage by Air (Supplementary Provisions) Act 1962. This Order applies the rules of the Convention, with adaptations and modifications, to carriage which is not international. It also applies section 4 of the Act thereby extending to non-international carriage the rights enjoyed by servants and agents of the carrier in the case of international carriage.

1964 No. 694

**DIPLOMATIC AND INTERNATIONAL
IMMUNITIES AND PRIVILEGES****The Commonwealth Countries and Republic of Ireland
(Immunities) (Amendment) Order 1964**

<i>Made</i> - - - - -	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1(2) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Commonwealth Countries and Republic of Ireland (Immunities) (Amendment) Order 1964.

(2) This Order shall come into operation on the 21st May 1964.

(3) The Interpretation Act 1889(b), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. In Part I of the Schedule to the Commonwealth Countries and Republic of Ireland (Immunities) Order 1961(c),

(1) After the entry "The Interviewing and Selection Officer, Glasgow" shall be inserted the following:—

"The Australian Migration Officer, Birmingham,
The Migration Selection Officer, Birmingham,
The Australian Migration Officer, Manchester,
The Migration Selection Officer, Manchester,
The Australian Migration Officer, Edinburgh,
The Migration Selection Officer, Edinburgh,
The Australian Migration Officer, Belfast,
The Migration Selection Officer, Belfast,
The Migration Selection Officer, Glasgow."

(2) After the entry "The Assistant Commissioner, Birmingham" shall be inserted the sub-heading "Jamaica" followed by the entry:—

"The Regional Welfare Officer, Birmingham."

W. G. Agnew.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/1194 (1961 II, p. 2331).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to amend the Commonwealth Countries and Republic of Ireland (Immunities) Order 1961 by adding to Part I of the Schedule the description of another nine officers in the service of the Government of Australia and by adding to that Part the description of an officer in the service of the Government of Jamaica. It confers on persons holding any of the offices the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power, and restricts powers of entry into the official premises of such persons.

1964 No. 695

MALAYSIA

The Films Act 1960 (Malaysia) Order in Council 1964

<i>Made</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present.

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 4 of the Malaysia Act 1963(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement. 1.—(1) This Order may be cited as the Films Act 1960 (Malaysia) Order in Council 1964.

(2) This Order shall come into operation on 21st May 1964 and thereupon shall have effect from 16th September 1963.

Adaptation of Films Act 1960. 2. In the definition of "Commonwealth country" in section 50(1) of the Films Act 1960(b) the word "Malaysia" shall be substituted for the words "the Federation of Malaya" and the words "the State of Singapore" shall be omitted.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes, with retrospective effect, formal adaptations in the definition of Commonwealth country in section 50(1) of the Films Act 1960 consequent upon the federation of North Borneo, Sarawak and Singapore with the existing States of the Federation of Malaya under the name of Malaysia.

(a) 1963 c. 35.

(b) 8 & 9 Eliz. 2. c. 57.

1964 No. 696

MAINTENANCE OF DEPENDANTS

**The Maintenance Orders (Facilities for Enforcement)
(Tanganyika) Order 1964**

Made - - - - 12th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that reciprocal provisions have been made by the Legislature of Tanganyika for the enforcement within Tanganyika of maintenance orders made by courts within England and Northern Ireland:

Now, therefore, Her Majesty, by virtue and in exercise of the power vested in Her by section 12 of the Maintenance Orders (Facilities for Enforcement) Act 1920^(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Maintenance Orders (Facilities for Enforcement) (Tanganyika) Order 1964.
2. The Maintenance Orders (Facilities for Enforcement) Act 1920 shall extend to Tanganyika.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends the Maintenance Orders (Facilities for Enforcement) Act 1920 to Tanganyika (which became a part of Her Majesty's dominions by virtue of the Tanganyika Independence Act 1961) and enables maintenance orders made by a court in Tanganyika to be enforced in England and Northern Ireland.

(a) 10 & 11 Geo. 5. c. 33.

1964 No. 697

CONTINENTAL SHELF

The Continental Shelf (Designation of Areas) Order 1964

Made - - - - 12th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council.

Whereas it is desirable, pending agreement with other Powers on the boundaries of the continental shelf appertaining to the United Kingdom and to such other Powers respectively, to designate certain areas outside the territorial waters of the United Kingdom as areas within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised ;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by the Continental Shelf Act 1964^(a) and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Continental Shelf (Designation of Areas) Order 1964.

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea bed and subsoil and their natural resources may be exercised in the area bounded:

(a) on the East by lines joining the following co-ordinates

- | | | | |
|-----------------|-------------|-----------------|-----------|
| (1) 61° 00'N : | 1° 48'E ; | (2) 59° 40'N : | 1° 48'E ; |
| (3) 59° 40'N : | 1° 36'E ; | (4) 59° 20'N : | 1° 36'E ; |
| (5) 59° 20'N : | 1° 24'E ; | (6) 58° 10'N : | 1° 24'E ; |
| (7) 58° 10'N : | 1° 36'E ; | (8) 58° 00'N : | 1° 36'E ; |
| (9) 58° 00'N : | 1° 48'E ; | (10) 57° 40'N : | 1° 48'E ; |
| (11) 57° 40'N : | 2° 00'E ; | (12) 57° 20'N : | 2° 00'E ; |
| (13) 57° 20'N : | 2° 12'E ; | (14) 56° 50'N : | 2° 12'E ; |
| (15) 56° 50'N : | 2° 24'E ; | (16) 56° 30'N : | 2° 24'E ; |
| (17) 56° 30'N : | 2° 36'E ; | (18) 56° 20'N : | 2° 36'E ; |
| (19) 56° 20'N : | 2° 48'E ; | (20) 56° 10'N : | 2° 48'E ; |
| (21) 56° 10'N : | 3° 00'E ; | (22) 56° 00'N : | 3° 00'E ; |
| (23) 56° 00'N : | 3° 12'E ; | (24) 55° 40'N : | 3° 12'E ; |
| (25) 55° 40'N : | 3° 00'E ; | (26) 55° 10'N : | 3° 00'E ; |
| (27) 55° 10'N : | 2° 48'E ; | (28) 54° 40'N : | 2° 48'E ; |
| (29) 54° 40'N : | 2° 36'E ; | (30) 53° 50'N : | 2° 36'E ; |
| (31) 53° 50'N : | 2° 48'E ; | (32) 53° 10'N : | 2° 48'E ; |
| (33) 53° 10'N : | 3° 00'E ; | (34) 52° 30'N : | 3° 00'E ; |
| (35) 52° 30'N : | 2° 48'E ; | (36) 52° 20'N : | 2° 48'E ; |
| (37) 52° 20'N : | 2° 36'E ; | (38) 52° 10'N : | 2° 36'E ; |
| (39) 52° 10'N : | 2° 24'E ; | (40) 51° 50'N : | 2° 24'E ; |
| (41) 51° 50'N : | 2° 00'E ; | (42) 51° 30'N : | 2° 00'E ; |
| (43) 51° 30'N : | 1° 48'E ; | (44) 51° 20'N : | 1° 48'E ; |
| (45) 51° 20'N : | 1° 36'E ; | (46) 51° 10'N : | 1° 36'E ; |
| (47) 51° 10'N : | 1° 29'2"E ; | and | |

(b) on the West by the seaward limit of the territorial waters off the East coasts of England and Scotland as far as (48) $58^{\circ} 40'N$: $2^{\circ} 47.7'W$, and then by lines joining the co-ordinates

(49) $58^{\circ} 40'N$: $2^{\circ} 12'W$; (50) $59^{\circ} 20'N$: $2^{\circ} 12'W$;
(51) $59^{\circ} 20'N$: $1^{\circ} 24'W$; (52) $59^{\circ} 30'N$: $1^{\circ} 24'W$;
(53) $59^{\circ} 30'N$: $1^{\circ} 00'W$; (54) $60^{\circ} 00'N$: $1^{\circ} 00'W$;
(55) $60^{\circ} 00'N$: $0^{\circ} 36'W$; (56) $61^{\circ} 00'N$: $0^{\circ} 36'W$;
(57) $61^{\circ} 00'N$: $1^{\circ} 48'E$.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to designate the area of the North Sea in which, pending agreement with other Powers on the boundaries of the continental shelf, the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised.

1964 No. 698

FOREIGN COMPENSATION**The Foreign Compensation (Czechoslovakia) (Registration)
(Amendment) Order 1964**

<i>Made - - - -</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,**The Queen's Most Excellent Majesty in Council**

Whereas by Section 3 of the Foreign Compensation Act 1950(a) (hereinafter referred to as "the Act") Her Majesty is authorised, if Her Majesty's Government in the United Kingdom enter into or contemplate an agreement with the Government of any foreign country providing for the payment of compensation by the latter Government, to make provision by Order in Council for the registration by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of claims to participate in such compensation, and for the making of reports by the Commission with respect to such claims:

And Whereas such provision was made by the Foreign Compensation (Czechoslovakia) (Registration) Order 1960(b) as amended by the Foreign Compensation (Czechoslovakia) (Registration) (Amendment) Order 1961(c) (hereinafter referred to together as "the principal Order"):

And Whereas it is now deemed expedient to amend the principal Order:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. There shall be inserted after Article 4 of the principal Order the following new Article which shall be numbered 4A:—

"An application shall not be entertained under this Order unless it has reached the Commission on or before 30th November 1964."

2. This Order shall come into operation on 21st May 1964 and may be cited as the Foreign Compensation (Czechoslovakia) (Registration) (Amendment) Order 1964.

W. G. Agnew.

(a) 14 Geo. 6. c. 12.

(b) S.I. 1960/849 (1960 II, p. 1560).

(c) S.I. 1961/585 (1961 I, p. 1302).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Foreign Compensation (Czechoslovakia) (Registration) Order 1960, as previously amended, by fixing a final date for making applications under the Order.

1964 No. 699

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES**The Radioactive Substances Act 1948 Appropriate Minister Designation (No. 1) Order 1964***Made - - - - 12th May 1964*

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 5(1) of the Radioactive Substances Act 1948^(a) it is provided that the appropriate Minister may, as respects any class or description of premises or places specified in the regulations, being premises or places in which radioactive substances are manufactured, produced, treated, stored or used or irradiating apparatus is used, make such provision by regulations as appears to the Minister to be necessary—

- (a) to prevent injury being caused by ionising radiations to the health of persons employed at those premises or places or other persons ; or
- (b) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely :

And whereas by section 5(6) of the said Act the expression “ the appropriate Minister ” in that section is defined as such Minister, or such Ministers acting jointly, as may be designated by Order in Council :

And whereas the said section 5(6) provides that different Ministers may be designated for the purposes of the said section 5(1) for different classes or descriptions of premises or places :

Now, therefore, Her Majesty, in pursuance of the power conferred on Her by the said section 5(6) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Minister of Labour is, as respects Great Britain, hereby designated the appropriate Minister for the purposes of the said section 5(1) for the following classes or descriptions of premises and places, namely, laboratories and other establishments, being laboratories or other establishments in which persons are engaged in scientific research or teaching, and not being laboratories or other establishments carried on at or in conjunction with institutions which provide medical or surgical treatment for in-patients.

2.—(1) This Order may be cited as the Radioactive Substances Act 1948 Appropriate Minister Designation (No. 1) Order 1964.

(2) The Interpretation Act 1889^(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

W. G. Agnew.

(a) 11 & 12 Geo. 6. c. 37.

(b) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 5(1) of the Radioactive Substances Act 1948 empowers the appropriate Minister designated under that section to make safety regulations as respects premises or places where there are persons in occupations involving radioactive substances or irradiating apparatus. This Order designates the Minister of Labour the appropriate Minister for the purposes of that provision as respects laboratories and other establishments in which persons are engaged in scientific research or teaching, not being laboratories or other establishments carried on at or in conjunction with institutions which provide medical or surgical treatment for in-patients.

1964 No. 700

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Certificates of Competency as A.B.)
(Nigeria) Order 1964**

<i>Made -</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas provision is made by the law of Nigeria for the grant of certificates of competency as A.B.:

And whereas the Minister of Transport has reported to Her Majesty that he is satisfied that the conditions under which such certificates are granted require standards of competency not lower than those required for the grant of a certificate in pursuance of regulations made under section 5 of the Merchant Shipping Act 1948(a):

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by section 5(4) of the Merchant Shipping Act 1948 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order shall come into operation on the 21st May 1964, and may be cited as the Merchant Shipping (Certificates of Competency as A.B.) (Nigeria) Order 1964.

(2) In this Order, the expression “the Act” means the Merchant Shipping Act 1948.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Certificates of competency as A.B. granted in Nigeria shall have the same effect for the purposes of section 5 of the Act as if they had been granted in pursuance of regulations made under that section.

3. Any provision of regulations made under section 5 of the Act applying section 104 of the Merchant Shipping Act 1894(c) to certificates of competency as A.B. granted under those regulations shall apply in relation to certificates of competency as A.B. granted in Nigeria.

W. G. Agnew.

(a) 11 & 12 Geo. 6. c. 44.

(b) 52 & 53 Vict. c. 63.

(c) 57 & 58 Vict. c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides—

- (1) that certificates of competency as A.B. granted in Nigeria shall have the same effect for the purposes of section 5 of the Merchant Shipping Act 1948 as if they had been granted in pursuance of regulations made under that section ;
- (2) for the application of section 104 of the Merchant Shipping Act 1894 (which relates to forgery and other offences relating to certificates of competency of ships' officers granted under that Act) in relation to certificates of competency as A.B. granted in Nigeria.

1964 No. 701

MERCHANT SHIPPING**MASTERS AND SEAMEN****The Merchant Shipping (Certificates of Competency as Ship's Cook) (Republic of Ireland) Order 1964**

<i>Made - - - -</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	27th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas provision is made by the law of the Republic of Ireland for the issue of certificates of competency as ship's cook :

And whereas the Minister of Transport has reported to Her Majesty that he is satisfied that the conditions under which such certificates are granted require standards of competency not lower than those required for the grant of certificates of competency in cooking for the purposes of section 27 of the Merchant Shipping Act 1906(a).

Now, therefore, Her Majesty in pursuance of the powers vested in Her by section 6(1) of the Merchant Shipping Act 1948(b) as extended by the Ireland Act 1949(c) and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order shall come into operation on the 27th May 1964 and may be cited as the Merchant Shipping (Certificates of Competency as Ship's Cook) (Republic of Ireland) Order 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. The holders of certificates of competency as ship's cook granted in the Republic of Ireland shall be deemed to be duly certificated within the meaning of section 27 of the Merchant Shipping Act 1906.

W. G. Agnew.

(a) 6 Edw. 7. c. 48.

(b) 11 & 12 Geo. 6. c. 44.

(c) 12, 13 & 14 Geo. 6. c. 41.

(d) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for the recognition by the United Kingdom of Republic of Ireland certificates of competency as ship's cook.

1964 No. 702

MERCHANT SHIPPING**SAFETY**
**The Merchant Shipping (Safety Convention Countries)
(Various) Order 1964**

<i>Made - - - -</i>	12th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	29th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present

The Queen's Most Excellent Majesty in Council

Whereas by section 31 of the Merchant Shipping (Safety Convention) Act 1949^(a) it is enacted that Her Majesty, if satisfied that the government of any country has accepted the Safety Convention or that the Safety Convention extends, or has ceased to extend, to any territory, may, by Order in Council, make a declaration to that effect:

And whereas Her Majesty is satisfied that the governments of the countries specified in Part I of the Schedule to this Order have accepted the Safety Convention:

And whereas Her Majesty is satisfied that the Safety Convention has ceased to extend to the former territories specified in Part II of the said Schedule:

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by the aforesaid section and of all other powers enabling Her in that behalf, by and with the advice of Her Privy Council, is pleased to order, and doth hereby order, as follows:—

1. It is hereby declared that the governments of the countries specified in Part I of the Schedule to this Order have accepted the Safety Convention.

2. It is hereby declared that the Safety Convention has ceased to extend to the former territories specified in Part II of the said Schedule.

3. This Order may be cited as the Merchant Shipping (Safety Convention Countries) (Various) Order 1964, and shall come into operation upon the date of its publication in the *London Gazette*.

W. G. Agnew.

SCHEDULE**PART I**

Republic of Cyprus.
Federation of Nigeria.

PART II

Togolese Republic (formerly Togo Trust Territory).
Republic of the Upper Volta (formerly part of French West Africa).

 (a) 12, 13 & 14 Geo. 6. c. 43.

1964 No. 703

TRUSTEES

The Trustee Investments (Additional Powers) Order 1964

<i>Made - - - -</i>	12th May 1964
<i>Laid before Parliament</i>	14th May 1964
<i>Coming into Operation</i>	15th May 1964

At the Court at Buckingham Palace, the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 12 of the Trustee Investments Act 1961(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The powers of investment conferred by section 1 of the Trustee Investments Act 1961 shall be extended by adding National Development Bonds to paragraph 1 of Part I of Schedule 1 thereto.
2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. This Order may be cited as the Trustee Investments (Additional Powers) Order 1964 and shall come into operation on 15th May 1964.

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order adds National Development Bonds to the list of "Narrower-Range Investments not Requiring Advice" set out in Part I of Schedule 1 to the Trustee Investments Act 1961.

 (a) 9 & 10 Eliz. 2. c. 62.

(b) 52 & 53 Vict. c. 63.

1964 No. 704

ANIMALS

DISEASES OF ANIMALS

The Exported Animals Protection Order 1964

<i>Made</i> - - - -	7th May 1964
<i>Coming into Operation</i>	8th June 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 1, 20, 23 and 85 of the Diseases of Animals Act 1950(a), and section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(b), and of all other powers enabling them in that behalf, hereby order as follows :—

Citation, commencement and revocation

1.—(1) This Order, which may be cited as the Exported Animals Protection Order 1964, shall come into operation on 8th June 1964.

(2) The Exported Cattle Protection Order 1957(c), and the Exported Cattle Protection (Amendment) Order 1957(d) are hereby revoked.

Interpretation

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

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any other enactment;

“animals” means cattle, sheep and swine;

“approved premises” has the meaning assigned to it by Article 3(1) of this Order;

“cattle” means bulls, cows, oxen, heifers and calves;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority and, when used in relation to a person appointed by the Minister, includes a veterinary inspector;

“local authority” means a local authority for the purposes of the Act;

“master” includes any person having the charge or command of a vessel, except the pilot;

“Minister” and “Ministry” means the Minister and Ministry of Agriculture, Fisheries and Food respectively;

“pilot”, in relation to an aircraft, means the pilot or other person having the command or charge of the aircraft;

“rest period” has the meaning assigned to it by Article 3(2) of this Order.

(a) 14 Geo. 6. c. 36.
(c) S.I. 1957/170 (1957 I, p. 152).

(b) 2 & 3 Eliz. 2. c. 39.
(d) S.I. 1957/1254 (1957 I, p. 156).

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

Provisions for the purposes of protecting exported animals from unnecessary suffering during carriage by sea or air

3.—(1) No person shall ship or cause or permit to be shipped, any animals by sea or by air from any place in Great Britain to any place outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, unless immediately before being loaded in the vessel or aircraft in which they are to be carried, they have been rested by detention for the rest period defined by the succeeding paragraph of this Article on premises (hereinafter referred to as “approved premises”) which are :—

- (a) at or near the place of loading ;
- (b) provided with suitable protection against the weather ; and
- (c) approved in writing for that purpose, in England and Wales by the Minister or in Scotland by the Secretary of State, which approval may be granted subject to such conditions as to the duration of the approval and otherwise as the Minister or Secretary of State may see fit to impose, and in particular subject to a condition (in addition to the limitations contained in Article 4(b)(v) hereof) limiting the total number of each species of animal to be rested on the premises at any one time.

(2) The rest period shall be a period of not less than ten hours which shall include at least three consecutive hours between sunrise and sunset, and shall commence in respect of any animals detained on approved premises in any pen or enclosure at the time of entry into such pen or enclosure of the last animal of the group to be rested therein :

Provided always that if during the rest period of any animals, other animals are introduced into the pen or enclosure where animals already resting are detained, then the rest period of the animals already detained therein shall be deemed to have commenced at the time of the entry of the last of the animals so introduced.

Conditions of use of premises for detention

4. No person having the charge or control of any approved premises shall use them or cause or permit them to be used for the rest period of any animals—

- (a) except in accordance with such conditions, if any, as the Minister or Secretary of State may have attached to his approval of the premises, and
- (b) unless during the whole of the rest period of any animals—
 - (i) sufficient clean bedding is provided ;
 - (ii) an adequate supply of wholesome and palatable food suitable for each species of animal being rested is provided on the premises and is placed in racks or troughs in the case of cattle or sheep or in troughs in the case of swine which are easily accessible to the animals and are such as by their number and dimensions enable all the animals to eat simultaneously ;
 - (iii) an adequate supply of water is provided on the premises and is contained in water troughs which are easily accessible to the

animals and are such as by their number and dimensions enable not less than one tenth of the number of each species of animal to drink simultaneously ;

- (iv) all animals, other than animals being detained in accordance with the provisions of this Order or of any licence granted thereunder, are excluded from the premises ;
- (v) animals of different species are not detained in the same pen or enclosure, and not more than forty cattle or forty swine or one hundred sheep are detained together in any one pen or enclosure ;
- (vi) the animals are supervised by experienced and competent stock men ;
- (vii) separate detention pens are provided on the premises for the purpose of segregating animals which are ailing or which disturb other animals detained on the premises ;
- (viii) all reasonable facilities are afforded to an inspector or to any constable for the examination of the animals and the observation of their treatment during detention.

Notification of arrival at approved premises

5. It shall be the duty of the person having charge of any approved premises—

- (a) to notify to an inspector of the Ministry the anticipated time of arrival of any consignment of animals to be rested therein, such notification to be given not more than forty-eight and not less than twelve hours before such anticipated time of arrival, and
- (b) to notify with all practicable speed to an inspector of the Ministry and to the local authority at the commencement of the rest period of any consignment of animals—
 - (i) the number of each species of animal in the consignment ;
 - (ii) the actual time of its arrival on the approved premises ; and
 - (iii) the place from which it was despatched.

Certificate of detention to be produced on loading

6.—(1) It shall be unlawful to load into any vessel or aircraft any animal required to be rested under this Order unless at the time of loading it is accompanied by a valid certificate signed by a veterinary inspector stating that he examined the animal at the approved premises specified in the certificate and found it fit to be shipped, to which certificate is appended a statement signed by the person having charge of the approved premises on which the animal was rested to the effect that it was detained there throughout the whole of the rest period specified in the statement.

(2) A certificate issued by a veterinary inspector under the provisions of the preceding paragraph of this Article shall specify the date and time of the examination made by the inspector and shall cease to be valid for the purposes of this Article after the expiry of eighteen hours from the time of the examination specified therein.

(3) Such certificate and statement as aforesaid shall be delivered to the master of the vessel or pilot of the aircraft (as the case may be) in which the animal is to be loaded, and shall be produced on demand to any inspector, constable or officer of Customs and Excise.

Notification by veterinary inspector of unfitness of animals for carriage by ship or aircraft and power to require disembarkation of unfit animals

7.—(1) Where a veterinary inspector is of opinion that any animal required to be rested under this Order or in respect of which a licence has been granted under Article 9 of this Order cannot, owing to infirmity, illness, injury, fatigue or any other cause be carried without unnecessary suffering, or that the calving, lambing or farrowing (as the case may be) of the animal during transit is reasonably probable, he may—

- (a) place a mark upon the animal and serve a notice on the person in charge of the animal and also when practicable, on the master of the vessel or the pilot of the aircraft (as the case may be), prohibiting the carriage of the animal, and until such notice is withdrawn by an inspector, it shall be unlawful to carry the animal by sea or by air;
- (b) in the case of an animal already loaded into a vessel or aircraft, serve a notice on the master of the vessel or the pilot of the aircraft (as the case may be) in which the animal is loaded requiring him to unload the animal from the vessel or aircraft;
- (c) serve a notice on any person having charge of the animal, requiring him to comply with such conditions as to rest or other treatment of the animal as the inspector may specify in the notice.

(2) If any person on whom a notice issued under the provisions of this Article has been served fails to comply with any requirement of such notice, he shall be guilty of an offence against the Act.

Prohibition of Voyages during adverse weather

8. Animals which are required to be rested under this Order or in respect of which a licence has been granted under Article 9 of this Order shall not be carried on any voyage of a vessel if, in the judgment of the master of the vessel, there are reasonable grounds for anticipating that, owing to adverse weather conditions, the voyage would be attended by serious injury or suffering to, or loss of life among, the animals.

Exemption for special purposes

9.—(1) The Minister or Secretary of State may grant a licence exempting from some or all of the provisions of this Order any animal which he is satisfied—

- (a) is a pedigree animal intended for use for breeding; or
- (b) will travel before reaching the place at which it is to be loaded in the vessel or aircraft a distance so short that compliance with some or all of the provisions of this Order is unnecessary.

(2) An application for any licence under this Article shall be made in such manner and within such time as may be required by the Minister or Secretary of State, and any licence so granted may have attached thereto such conditions as the Minister or Secretary of State may impose for the prevention of unnecessary suffering in transit.

(3) Failure to comply with any term of a licence issued under the provisions of this Article shall be an offence against the Act.

Disinfection of approved premises

10.—(1) An inspector may give notice in writing to the person having charge of approved premises requiring the cleansing and disinfection of the whole or any part of those premises, or of any fittings, pens, hurdles, utensils or other things, or prescribing the method of disposal of dung, food or litter.

(2) When such notice shall have been given the approved premises or such part thereof as may be specified in the notice or such things as aforesaid, as the case may be, shall not be used for animals unless and until the cleansing and disinfection required by the said notice has been carried out to the satisfaction of an inspector, and dung, food or litter shall not be disposed of otherwise than in accordance with the notice.

Execution and enforcement

11. The provisions of this Order shall, except where it is otherwise expressly provided, be executed and enforced by the local authority.

Approvals or licences made under revoked orders

12. Any approval or licence of the Minister or the Secretary of State made or having effect under, any order revoked by this Order, if in force immediately before the coming into operation thereof, shall thenceforth have effect under and by virtue of this Article until altered or revoked by the Minister or the Secretary of State.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th May 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order requires that any cattle, sheep or swine which are to be exported from Great Britain to any place outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, whether by sea or by air, shall be rested at premises approved by the Minister or the Secretary of State for Scotland for at least ten hours before they are loaded in the vessel or aircraft in which they are to be carried. It requires the provision of adequate and accessible food and water and shelter and bedding and limits the number of each species of animal which may be put at one time into any one pen or enclosure on approved premises.

It further provides that animals may not be loaded into any vessel or aircraft unless a veterinary inspector has certified that he has examined the animals and found them fit to be shipped and empowers an inspector appointed by the Minister or by the local authority to prohibit the carriage of any animal or to require an animal to be removed from a vessel or aircraft if it is likely to be exposed to unnecessary suffering during transit.

The carrying of animals is also prohibited when the master of a vessel anticipates adverse weather conditions during the voyage.

STATUTORY INSTRUMENTS

1964 No. 705 (C. 6)**LANDLORD AND TENANT****AGRICULTURAL HOLDINGS****The Agriculture (Miscellaneous Provisions) Act 1963
Commencement Order 1964***Made - - - - 11th May 1964*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 19(7) of the Agriculture (Miscellaneous Provisions) Act 1963(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Agriculture (Miscellaneous Provisions) Act 1963 Commencement Order 1964.

2. Section 19 of the Agriculture (Miscellaneous Provisions) Act 1963 shall come into operation on 1st July 1964.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

(a) 1963 c. 11.

1964 No. 706

LANDLORD AND TENANT

AGRICULTURAL HOLDINGS

The Agriculture (Notices to Remedy and Notices to Quit)
Order 1964

Made - - - -	11th May 1964
Laid before Parliament	19th May 1964
Coming into Operation	1st July 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 26 of the Agricultural Holdings Act 1948(a), as amended by section 8 of and Schedule 1 to the Agriculture Act 1958(b) and by section 19(2) of the Agriculture (Miscellaneous Provisions) Act 1963(c), do hereby make the following Order:—

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Agriculture (Notices to Remedy and Notices to Quit) Order 1964 and shall come into operation on 1st July 1964.

Amendment of 1959 Order

2. In Article 3 of the Agricultural Land Tribunals and Notices to Quit Order 1959(d) the words from “ termination ” to the end of the Article shall be omitted, and Articles 6 to 10 of that Order are hereby revoked.

Interpretation

3. In this Order, unless the context otherwise requires:—

“ 1948 Act ” means the Agricultural Holdings Act 1948, as amended ;

“ notice to remedy ” means a notice served on the tenant of an agricultural holding for the purposes of paragraph (d) of section 24(2) of the 1948 Act requiring him to remedy a breach of a term or condition of his tenancy ;

“ notice to do work ” means a notice to remedy requiring the doing of any work of repair, maintenance or replacement ;

“ termination ”, in relation to an arbitration under the 1948 Act, means the date on which the arbitrator’s award is delivered to the tenant.

4. The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

NOTICES TO DO WORK

Notice requiring arbitration

5.—(1) This Article shall have effect for the purpose of determining any question arising under a notice to do work served after this Order comes into operation.

(a) 11 & 12 Geo. 6. c. 63.

(b) 6 & 7 Eliz. 2. c. 71.

(c) 1963 c. 11.

(d) S.I. 1959/81 (1959 I, p. 91).

(e) 52 & 53 Vict. c. 63.

(2) Where the tenant wishes to contest his liability under the terms or conditions of his tenancy to do any of the work specified in the notice, he shall do so by serving on the landlord within one month after the service of the notice to do work a notice in writing specifying the grounds on which and the items in respect of which he denies liability and requiring the question to be determined by arbitration under the 1948 Act.

(3) Where the tenant wishes to contest any question other than or in addition to that mentioned in paragraph (2) above, he shall do so by serving on the landlord within one month after the service of the notice to do work a notice in writing requiring the question to be determined by arbitration under the 1948 Act, so, however, that a tenant who has not required arbitration under this paragraph or paragraph (2) above shall not be precluded from requiring arbitration under Article 9 below in respect of any question other than one as to his liability under the terms or conditions of his tenancy to do any of the work specified in the notice.

(4) Nothing in paragraph (3) above shall preclude a tenant who has required arbitration under this Article and who has been found liable to do work from subsequently requiring arbitration under Article 9 below on the ground that, in consequence of anything happening before the expiration of the time for doing the work as extended by the arbitrator in pursuance of Article 6 below, it would have been unreasonable to require the tenant to do the work within that time.

Extension of time for doing work

6. Where a tenant requires any question to be determined by arbitration under Article 5 above, the time specified for doing the work which is the subject of the arbitration shall be extended until the termination of the arbitration, so, however, that, where the arbitrator finds that the tenant is liable to do any work, he shall extend the time for doing the work by such further period as he thinks fit.

Date of termination of tenancy on failure to do work

7.—(1) Where the time specified for doing any work is extended by virtue of Article 6 above, the arbitrator may, either of his own motion or on the application of the landlord made not later than 14 days after the termination of the arbitration, specify a date for the termination of the tenancy by notice to quit in the event of the tenant's failure to do the work within the extended time, being a date not earlier than whichever of the two following dates is the later, that is to say—

(a) the date on which the tenancy could have been terminated by notice to quit served on the expiration of the time originally specified in the notice to do work, or

(b) six months after the expiration of the extended time.

(2) Where the landlord applies to the arbitrator under paragraph (1) above, he shall at the same time give written notice of the application to the tenant (except where the application is made at the arbitration) and the tenant shall be entitled to be heard on the application.

(3) A notice to quit on a date specified in accordance with paragraph (1) above shall be served on the tenant within one month after the expiration of the extended time, and shall be valid notwithstanding that it is served less than twelve months before the date on which the tenancy is to be terminated or that that date is not the end of a year of the tenancy.

Recovery of cost of work

8. Where on an arbitration under Article 5 above it appears to the arbitrator that the tenant has done work required by a notice to do work which he was under no obligation to do, the arbitrator shall determine the reasonable cost of such work, which shall be recoverable from the landlord by the tenant in accordance with the provisions of section 71 of the 1948 Act.

NOTICES TO QUIT

Notice requiring arbitration

9. Where it is stated in a notice to quit an agricultural holding or part thereof that the notice is given for one or more of the reasons specified in paragraphs (b), (d) and (e) of section 24(2) of the 1948 Act and the tenant wishes to contest any of the reasons so stated, he shall within one month after the service of the notice serve on the landlord notice in writing requiring the question to be determined by arbitration under the 1948 Act.

Service of counter-notice

10. Where, in consequence of an arbitration under Article 9 above, subsection (1) of section 24 of the 1948 Act applies to a notice to quit, the time within which a counter-notice may be served by the tenant on the landlord under that subsection shall be one month from the termination of the arbitration.

Postponement of operation of notice to quit

11. Where a tenant requires a question arising out of a notice to quit to be determined by arbitration under Article 9 above, the operation of the notice shall be suspended until the termination of the arbitration.

12.—(1) Where a notice to quit has effect in consequence of an arbitration under Article 9 above, or the Agricultural Land Tribunal has consented to the operation of the notice under section 24(1) of the 1948 Act, and the notice would, but for the provisions of this Article, come into operation on or within six months after the termination of the arbitration or the giving of the consent, the arbitrator or the tribunal may, either of his or their own motion or on the application of the tenant made not later than 14 days after the termination of the arbitration or the giving of the consent, postpone the termination of the tenancy for a period not exceeding twelve months.

(2) Where the tenant applies to the arbitrator or the tribunal under paragraph (1) above, he shall at the same time give written notice of the application to the landlord (except where the application is made at the arbitration or at the hearing before the tribunal) and the landlord shall be entitled to be heard on the application.

Extension of time under notice to remedy after notice to quit

13.—(1) Where notice to quit is stated to be given by reason of the tenant's failure to remedy a breach of any term or condition of his tenancy within the time specified in a notice to remedy, or within that time as extended by the landlord or in pursuance of Article 6 above or of this Article, and it appears to the arbitrator on an arbitration under Article 9 above that, notwithstanding that the time originally specified or extended was reasonable, it would, in consequence of anything happening before the expiration of that time, have been unreasonable to require the tenant to remedy the breach within that time, the arbitrator may treat the time as having been extended or further extended and make his award as if the time

had not expired ; and where the breach has not been remedied at the date of the award, the arbitrator may extend the time by such period as he considers reasonable, having regard to the length of time which has elapsed since the service of the notice to remedy.

(2) Where the time specified for doing any work is extended under paragraph (1) above, the arbitrator may, either of his own motion or on the application of the landlord made not later than 14 days after the termination of the arbitration, specify a date for the termination of the tenancy by notice to quit in the event of the tenant's failure to do the work within the extended time, being a date not earlier than whichever of the two following dates is the later, that is to say—

(a) the date on which the tenancy would have been terminated by the notice to quit which was the subject of the arbitration, or

(b) six months after the expiration of the extended time.

(3) Where the landlord applies to the arbitrator under paragraph (2) above, he shall at the same time give written notice of the application to the tenant (except where the application is made at the arbitration) and the tenant shall be entitled to be heard on the application.

(4) A notice to quit on a date specified in accordance with paragraph (2) above shall be served on the tenant within one month after the expiration of the extended time, and shall be valid notwithstanding that it is served less than twelve months before the date on which the tenancy is to be terminated or that that date is not the end of a year of the tenancy.

Notice to sub-tenants

14.—(1) The provisions of section 24(1) of the 1948 Act shall not apply where notice to quit an agricultural holding or part thereof is given to a sub-tenant by a tenant who has himself been given notice to quit that holding or part thereof and the fact that the tenant has been given such notice is stated in the notice given to the sub-tenant.

(2) Any such notice as aforesaid given to a sub-tenant shall have effect only if the notice to quit given to the tenant by the landlord itself has effect.

(3) Where a tenant accepts notice to quit part of a holding as notice to quit the whole under section 32 of the 1948 Act, then, for the purpose of this Article, the notice shall be deemed to be a notice to quit the entire holding.

Dated 11th May 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the determination by arbitration of certain questions arising out of notices to remedy breaches of terms or conditions of tenancies of agricultural holdings, and replaces the provisions of the Agricultural Land Tribunals and Notices to Quit Order 1959 relating to arbitration on certain questions arising out of notices to quit such holdings.

1964 No. 707

LANDLORD AND TENANT
AGRICULTURAL HOLDINGS
**The Agriculture (Forms of Notices to Remedy)
Regulations 1964**

<i>Made - - - -</i>	11th May 1964
<i>Laid before Parliament</i>	19th May 1964
<i>Coming into Operation</i>	1st July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 19(1) and section 19(3) of the Agriculture (Miscellaneous Provisions) Act 1963(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Agriculture (Forms of Notices to Remedy) Regulations 1964 and shall come into operation on 1st July 1964.

(2) In these regulations “notice to remedy” means a notice served on the tenant of an agricultural holding for the purposes of paragraph (d) of section 24(2) of the Agricultural Holdings Act 1948(b) requiring him to remedy a breach of a term or condition of his tenancy.

(3) A form referred to by number means the form so numbered in the schedule to these regulations or a form substantially to the same effect.

(4) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. A notice to remedy which requires the doing of any work of repair, maintenance or replacement shall be in Form 1 and any other notice to remedy shall be in Form 2.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames.
Minister of Agriculture, Fisheries
and Food.

SCHEDULE

FORM 1

AGRICULTURAL HOLDINGS ACT 1948, SECTION 24(2)(d)
AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1963, SECTION 19(1)

Notice to tenant to remedy breach of tenancy agreement by doing work of repair, maintenance or replacement

Re the holding known as
To
(Name and address of tenant)

1. I hereby give you notice that I require you to remedy within..... months(a) from the date of service of this Notice the breaches whereof particulars are given below of the terms or conditions of your tenancy, being breaches which are capable of being remedied of terms or conditions which are not inconsistent with the fulfilment of your responsibilities to farm the holding in accordance with the rules of good husbandry.

2. This Notice requires the doing of the work of repair, maintenance or replacement specified below.

3. This Notice is given in accordance with section 24(2)(d) of the Agricultural Holdings Act 1948, and section 19(1) of the Agriculture (Miscellaneous Provisions) Act 1963. Failure to comply with it within the period specified above may be relied on as a reason for a notice to quit under section 24(2)(d) of the Agricultural Holdings Act 1948.

4. Your attention is drawn to the Notes following the signature to this Notice.

(a) This period must be a reasonable period for the tenant to remedy the breaches and must in any event be not less than six months.

PARTICULARS OF BREACHES OF TERMS OR CONDITIONS OF TENANCY

Table with 2 columns: Term or condition of tenancy, Particulars of breach and work required to remedy it

Date (Signed)

(If signed by any other person than the landlord of the holding, state in what capacity or by what authority the signature is affixed.)

NOTES

In these Notes, " the Order " means the Agriculture (Notices to Remedy and Notices to Quit) Order 1964 (S.I. 1964 No. 706)

What to do if you wish to contest your liability to do any of the work required by this Notice

1. If you dispute your liability to do the work, or any part of the work, required by this Notice to Remedy, you can refer this question to arbitration under Article 5(2) of the Order.

2. If you wish to refer this question to arbitration, you must do so now on receipt of this Notice to Remedy ; you will not be able to refer it to arbitration later, on receipt of a notice to quit.

3. To refer this question to arbitration you must, within one month of the service upon you of this Notice to Remedy, serve a notice in writing upon your landlord specifying the items for which you deny liability and requiring the matter to be determined by arbitration under the Agricultural Holdings Act 1948.

4. If you refer this question to arbitration, you are not obliged to carry out the work which is the subject of the reference to arbitration unless and until the arbitrator decides that you are liable to do it ; but you must carry out any work for which you do not dispute liability.

5. You may, if you wish, carry out any of the work which is the subject of the reference to arbitration without waiting for the arbitrator's award. If you do this and the arbitrator finds that you have carried out any such work which was not your liability, he will determine at the time he makes his award the reasonable cost of any such work which you have done and you will be entitled to recover this from your landlord. (See Article 8 of the Order.)

What to do if you wish to contest any other question arising under this Notice to Remedy

6. If you wish to contest any question arising under this Notice other than your liability to do the work, you should refer the question to arbitration in either of the following ways, according to whether you are also questioning your liability to do the work or not:—

- (a) If you are referring to arbitration the question of your liability to do work, then you must also refer to arbitration at the same time any other questions relevant to this Notice which you may wish to dispute. To do this, you should include in the notice to your landlord referred to in Note 3 above a statement of the other questions which you require to be determined by arbitration under the 1948 Act. (See Article 5(3) of the Order.)
- (b) If you accept liability for the work specified in this Notice, but wish to contest some other question arising under the Notice, you may refer that question to arbitration either now, on receipt of this Notice to Remedy, or later, if you get a notice to quit. To refer the question to arbitration now, you should serve on your landlord within one month after the service of this Notice to Remedy a notice in writing setting out what it is you require to be determined by arbitration under the 1948 Act. (See Article 5(3) of the Order.)

Extensions of time allowed for complying with this Notice to Remedy

7. If you refer to arbitration now any question arising from this Notice to Remedy, the time allowed for complying with the Notice will be extended until the termination of the arbitration. If the arbitrator decides that you are liable to do any of the work specified in this Notice to Remedy, he will extend the time in which the work is to be done by such period as he thinks fit. (See Article 6 of the Order.)

Warning as to the effect which any extension of the time allowed for complying with this Notice to Remedy may have upon a subsequent notice to quit

8. If your time for doing the work is extended as mentioned in Note 7 above, the arbitrator can specify a date for the termination of your tenancy should you fail to complete the work you are liable to do within the extended time. Then, if you did fail to complete that work within the extended time, your landlord could serve notice to quit upon you expiring on the date which the arbitrator had specified, and the notice would be valid even though that date might be less than 12 months after the next term date, and might not expire on a term date. The arbitrator cannot, however, specify a termination date which is less than 6 months after the expiry of the extended time to do the work. Nor can he specify a date which is earlier than would have been possible if you had not required arbitration on this Notice to Remedy and had failed to do the work. (See Article 7 of the Order.)

FORM 2

AGRICULTURAL HOLDINGS ACT 1948 SECTION 24(2)(d)

AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1963 SECTION 19(1)

Notice to tenant to remedy breach of tenancy agreement (not being a notice requiring the doing of any work of repair, maintenance or replacement)

Re the holding known as.....

To

(Name and address of tenant)

1. I hereby give you notice that I require you to remedy within.....months from the date of service of this Notice the breaches whereof particulars are given below of the terms or conditions of your tenancy, being breaches which are capable of being remedied of terms or conditions which are not inconsistent with the fulfilment of your responsibilities to farm the holding in accordance with the rules of good husbandry.

2. This Notice is given in accordance with section 24(2)(d) of the Agricultural Holdings Act 1948 and section 19(1) of the Agriculture (Miscellaneous Provisions) Act 1963. Failure to comply with it within the period specified may be relied on as a reason for a notice to quit under section 24(2)(d) of the Agricultural Holdings Act 1948.

3. Your attention is drawn to the Note following the signature to this Notice.

PARTICULARS OF BREACHES OF TERMS OR CONDITIONS OF TENANCY

Term or condition of tenancy

Particulars of breach

.....

.....

Date Signed.....

(If signed by any other person than the landlord of the holding, state in what capacity or by what authority the signature is affixed.)

NOTE

You cannot at this stage refer to arbitration either your liability to comply with this Notice to Remedy, or any other question as to the validity of the Notice. You will, however, be entitled to do so later, if a notice to quit is served on you on the ground that you have failed to comply with this Notice to Remedy. At that stage you can refer any such questions to arbitration, when contesting the validity of the reasons stated in the notice to quit, under Article 9 of the Agriculture (Notices to Remedy and Notices to Quit) Order 1964, (S.I. 1964 No. 706).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the forms to be used by the landlord of an agricultural holding when serving on his tenant a notice to remedy breaches of the terms and conditions of the tenancy for the purposes of section 24(2)(d) of the Agricultural Holdings Act 1948. Different forms are prescribed according to whether or not any work of repair, maintenance or replacement is required to remedy the breach.

1964 No. 708

CONTINENTAL SHELF

PETROLEUM

The Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations 1964

<i>Made</i> - - - -	12th May 1964
<i>Laid before Parliament</i>	13th May 1964
<i>Coming into Operation</i>	15th May 1964

The Minister of Power in pursuance of the powers conferred upon him by section 6 of the Petroleum (Production) Act 1934(a) and by that section as applied by section 1(3) of the Continental Shelf Act 1964(b), and of all other powers him enabling, hereby makes the following Regulations:—

Commencement and Citation

1. These Regulations shall come into operation on 15th May 1964 and may be cited as the Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations 1964.

Interpretation

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“block” has the meaning assigned thereto in Regulation 5(4);

“the Minister” means the Minister of Power;

“methane drainage licence” means a licence to get natural gas in the course of operations for making and keeping safe mines whether or not disused;

“the Regulations of 1935 as amended” has the meaning assigned thereto by Regulation 3(2).

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Applications of the Regulations

3.—(1) These Regulations shall have effect in relation to applications for, and the model clauses to be prescribed for inclusion, unless the Minister thinks fit to modify or exclude them in any particular case, in, licences (other than methane drainage licences) to search and bore for, and get, petroleum in the sea bed and subsoil under territorial waters of Great Britain or in the sea bed and subsoil of any designated area.

(2) The provisions of the Petroleum (Production) Regulations 1935(d) as amended by the Petroleum (Production) (Amendment) Regulations 1954(e) and the Petroleum (Production) (Amendment) Regulations 1957(f) in these Regulations collectively referred to as “the Regulations of 1935 as amended” shall cease to have effect in relation to applications for, or

(a) 24 & 25 Geo. 5. c. 36.

(b) 1964 c. 29.

(c) 52 & 53 Vict. c. 63.

(d) S.R. & O. 1935/426 (Rev. XVIII, p. 46: 1935, p. 1360).

(e) S.I. 1954/1378 (1954 II, p. 1773).

(f) S.I. 1957/1697 (1957 II, p. 1849).

model clauses to be included in, any licence (other than a methane drainage licence) to search and bore for, and get, petroleum in any area to which these Regulations apply unless the applicant therefor is, at the date of coming into force of these Regulations, by virtue of a right contained in a prospecting licence, entitled to the grant of a mining licence and in any such case the Regulations of 1935 as amended shall have effect in relation to any application made pursuant to that right.

Applicants for licences

4. Persons who are citizens of the United Kingdom and Colonies and are resident in the United Kingdom or who are bodies corporate incorporated in the United Kingdom may apply in accordance with these Regulations for

- (a) a production licence ; or
- (b) an exploration licence.

Applications for licences

5.—(1) An application for either type of licence shall be made in writing and shall be in the form set out in Schedule 1 hereto or in a form substantially to the like effect, sent to the Secretary, The Ministry of Power, London, S.W.1, and shall be accompanied by the appropriate fee and by such evidence in support thereof as is referred to in that Schedule and is appropriate to that application.

(2) If any of the matters stated in an application shall change after the application is made but before a licence is granted or the Minister informs the applicant that the application is refused, the applicant shall forthwith give notice in writing to the Minister giving particulars of the change.

(3) Every application for a production licence pursuant to these regulations shall be—

- (a) in respect of one or more blocks described or specified by a notice published in accordance with the next following paragraph ;
 - (b) lodged not earlier than or later than the dates specified by such a notice as the dates after and before which respectively the Minister is prepared to receive applications in respect of the blocks so specified ;
- and shall not comprise any part of a block.

(4) The notice referred to in the last foregoing paragraph is a notice published from time to time by the Minister in the London Gazette, the Edinburgh Gazette and the Belfast Gazette describing or specifying by reference to a map deposited at the principal office of the Ministry of Power, and at such other places (if any) as may be specified in the notice, areas (in these Regulations referred to as " blocks ") to which reference numbers shall be assigned, in respect of which he is prepared to receive applications for production licences and specifying the dates within which applications in respect of the blocks so specified are to be made.

(5) An application for an exploration licence may be made in respect of the whole or any part of the area referred to in Regulation 3(1) but shall not have any effect in relation to any area in which a production licence granted pursuant to an application under these Regulations or a prospecting or mining licence under the Regulations of 1935 as amended is for the time being in force.

(6) Nothing in this Regulation shall prevent more than one application being made by the same person or more than one licence being granted to him.

Fees

6.—(1) With every application for a production licence there shall be paid a fee of two hundred pounds with an additional fee of five pounds for every block after the first ten in respect whereof that application is made.

(2) With every application for an exploration licence there shall be paid a fee of twenty pounds.

Form of Licences

7. Every production licence and every exploration licence shall incorporate the model clauses respectively set out in Schedule 2 and Schedule 3 hereto unless the Minister thinks fit to modify or exclude them in any particular case.

Dated 12th May 1964.

F. J. Erroll,
Minister of Power.

SCHEDULE 1

FORM OF APPLICATION FOR A PRODUCTION LICENCE OR AN EXPLORATION LICENCE

1. Name of the applicant in full.
2. If application is by an individual—
 - (a) Usual residential address
 - (b) Evidence of nationality accompanying the application
3. If the application is by a body corporate—
 - (a) Place of incorporation
 - (b) Principal place of business
 - (c) Place of central management and control
 - (d) Particulars of the members of the board of directors or other governing body of the body corporate, as follows:—

(1)	(2)	(3)
Full names	Usual residential addresses	Nationalities

4. If the application is by a body corporate for a production licence —
 - (a) Particulars of capital authorised and issued as follows:—

(1)	(2)	(3)	(4)
Class of Capital	Amount authorised	Amount issued	Voting rights of each class

Column (4) need not be completed if a copy of the memorandum and articles of association, or other document setting out or defining the constitution, of the body corporate accompanies the application.

- (b) Particulars of all holdings of not less than 5 per cent. in number or value of any class of capital which has been issued by the body corporate as follows:—

(1)	(2)	(3)	(4)
Name of holder, or names of joint holders, in full	Class of Holding	Amount	Nationality of Holder(s)

(c) Particulars of all capital issued to bearer, as follows:—

(1) Class of Capital	(2) Total amount issued	(3) Amount issued to bearer
-------------------------	----------------------------	-----------------------------------

5. Type of licence applied for, and if a production licence, reference number(s) of the block(s) in respect whereof the application is made.

I/We hereby declare that the information given above or annexed to this application is correct.

Date

Signature of Applicant(s) or in the case of a body corporate, of a duly authorised officer whose capacity is to be stated.

To the Secretary,
Ministry of Power,
London, S.W.1.

SCHEDULE 2

MODEL CLAUSES FOR PRODUCTION LICENCES

1.—(1) In the following clauses the following expressions have the meanings hereby respectively assigned to them, that is to say:— Inter-pretation.

“the Act of 1934” means the Petroleum (Production) Act 1934;

“the Act of 1964” means the Continental Shelf Act 1964;

“block” means an area comprised in the licence which is delineated on the reference map deposited at the principal office of the Ministry of Power and to which a reference number was assigned at the date of this Licence;

“continuing part” has the meaning assigned thereto by Clause 5 (the marginal note whereof is “Option to continue licence as to part of the licensed area”);

“development scheme” has the meaning assigned thereto by Clause 19 (the marginal note whereof is “Unit development”);

“Licensee” means the person or persons to whom the Licence is granted, his personal representatives and any person or persons to whom the rights conferred by the Licence may lawfully have been assigned;

“half year” means the period from 1st January to 30th June in any year and the period from 1st July to 31st December in any year;

“the licensed area” means the area for the time being in which the Licensee may exercise the rights granted by the Licence;

“the Minister” means the Minister of Power;

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“surrendered part” has the meaning assigned thereto by Clause 5 (the marginal note whereof is “Option to continue licence as to part of the licensed area”);

“well” includes borehole.

(2) Any obligations which are to be observed and performed by the Licensee shall at any time at which the Licensee is more than one person be joint and several obligations.

Right to search and bore for and get petroleum.

2. In consideration of the payments and royalties hereinafter provided and the performance and observance by the Licensee of all the terms and conditions hereof, the Minister, in exercise of the powers conferred upon him by the Act of 1934 and the Act of 1964, hereby grants to the Licensee **EXCLUSIVE LICENCE AND LIBERTY** during the continuance of this Licence and subject to the provisions hereof to search and bore for, and get, petroleum in the sea bed and subsoil under the sea area comprising an area of _____ square kilometres more particularly described in Schedule 1 hereto being the area comprising block(s) No.

_____ on the reference map deposited at the principal office of the Ministry of Power:

Provided that nothing in the Licence shall affect the right of the Minister to grant a methane drainage licence in respect of the whole or any part of the licensed area or affect the exercise of any rights so granted.

Term of Licence.

3. This Licence unless sooner determined under any of the provisions hereof shall be and continue in force for the term of six years next after 19____, but may be renewed as to a part of the area comprised in this Licence in manner hereinafter provided.

Right of Licensee to determine Licence or surrender part of licensed area.

4. Without prejudice to any obligation or liability imposed by or incurred under the terms and conditions hereof the Licensee may, at any time during the said term of six years, by giving to the Minister not less than twelve months' previous notice in writing to that effect, determine this Licence or surrender any part of the licensed area, being a part which complies with Clause 7 hereof (the marginal note whereof is "Areas surrendered").

Option to continue Licence as to part of the licensed area.

5.—(1) At any time not later than three months before the expiration of the said term of six years the Licensee paying the payments and royalties hereinafter provided and observing and performing the conditions herein contained may give notice in writing to the Minister that he desires the Licence to continue as to a part of the licensed area (hereinafter called "the continuing part") in the manner hereinafter provided and to determine as to the residue thereof (hereinafter called "the surrendered part").

(2) Such notice shall describe the surrendered part which shall together with any area previously surrendered in accordance with Clause 4 hereof (the marginal note whereof is "Right of Licensee to determine Licence or surrender part of licensed area"), not be less than one half of the area originally comprised in this Licence.

(3) Such notice shall specify a date not later than the expiry of the said term of six years upon which the surrendered part is to be surrendered.

(4) This Licence shall upon the option conferred by this clause being duly exercised and subject to the provisions of this Licence continue in respect of the continuing part for a term of forty years next after the date specified in the said notice.

Right of Licensee to determine extended term or surrender part of the licensed area.

6. Without prejudice to any obligation or liability imposed by or incurred under the terms hereof the Licensee may at any time during such term of forty years by giving to the Minister not less than two years' notice in writing to that effect, determine this Licence or surrender any part of the licensed area, being a part which complies with Clause 7 hereof (the marginal note whereof is "Areas surrendered").

Areas surrendered.

7.—(1) Any area to be surrendered by the Licensee pursuant to any of the last three foregoing clauses shall—

(a) be bounded by lines which unless they are boundaries of the area originally comprised in the Licence run either due north and south or due east and west;

(b) not comprise any part of a block being a part having an area of less than eighty square kilometres.

(2) Upon the date upon which any determination of the Licence or any surrender of part of the licensed area in manner provided by the last three foregoing clauses is to take effect the rights granted by the Licence shall cease in respect of the licensed area or of the part so surrendered as the case may be but without prejudice to any obligation or liability imposed upon the Licensee or incurred by him under the terms of the Licence prior to that date.

8.—(1) The Licensee shall pay to the Minister during the said term or six years of this Licence and during the said term of forty years if the option therefor hereinbefore contained is duly exercised unless either of such terms shall sooner be terminated the consideration by way of royalty or otherwise for the grant of this Licence, determined by the Minister with the consent of the Treasury, specified in Schedule 2 hereto, at the times and in the manner so specified. Payment of consideration for Licence.

(2) The Licensee shall not by reason of determination of the Licence or surrender of any part of the licensed area be entitled to be repaid or allowed any sum payable to the Minister pursuant to the Licence before the date of determination or surrender.

9.—(1) The Licensee shall measure or weigh by a method or methods customarily used in good oilfield practice and from time to time approved by the Minister all petroleum won and saved from the licensed area. Measurement of petroleum obtained from the licensed area.

(2) The Licensee shall not make any alteration in the method or methods of measurement or weighing used by him or any appliances used for that purpose without the consent in writing of the Minister and the Minister may in any case require that no alteration shall be made save in the presence of a person authorised by the Minister.

(3) The Minister may from time to time direct that any weighing or measuring appliance shall be tested or examined in such manner, upon such occasions or at such intervals and by such persons as may be specified by the Minister's direction and the Licensee shall pay to any such person or to the Minister such fees and expenses for test or examination as the Minister may specify.

(4) If any measuring or weighing appliance shall upon any such test or examination as is mentioned in the last foregoing paragraph be found to be false or unjust the same shall if the Minister so determines after considering any representations in writing made by the Licensee be deemed to have existed in that condition during the period since the last occasion upon which the same was tested or examined pursuant to the last foregoing paragraph.

10.—(1) The Licensee shall keep in the United Kingdom full and correct accounts in a form from time to time approved by the Minister of— Keeping of accounts.

- (a) the quantity of petroleum in the form of gas won and saved ;
- (b) the quantity of petroleum in any other form won and saved ;
- (c) the name and address of any person to whom any petroleum has been supplied by the Licensee, the quantity so supplied, the price or other consideration therefor and the place to which the petroleum was conveyed pursuant to the agreement for such supply ;
- (d) such other particulars as the Minister may from time to time direct.

(2) The quantities of petroleum stated in such accounts may exclude any water separated from the petroleum and shall be expressed—

- (a) in the case of petroleum in the form of gas, as volumes in cubic metres measured at, or calculated as if measured at, a temperature of 0 degrees Centigrade and a pressure of one kilogramme force per square centimetre ;
- (b) in any other case as weights in metric tons.

(3) Such accounts shall state separately the quantities used for the purposes of carrying on drilling and production operations and pumping to field storage, and quantities not so used, and in the case of petroleum not in the form of gas shall state the specific gravity of the petroleum and if petroleum of different specific gravities has been won and saved, the respective quantities of each specific gravity.

(4) The Licensee shall within two months after the end of each half year in which this Licence is in force and within two months after the expiration or determination of this Licence deliver to the Minister an abstract in a form from time to time approved by the Minister of the accounts for that half year or for the period prior to such expiration or determination as the case may be.

Value of petroleum. 11.—(1) The Licensee shall within two months after the end of each half year in which this Licence is in force and within two months after the expiration or determination of this Licence deliver to the Minister a statement (in this clause referred to as a "statement of value") in a form from time to time approved by the Minister of the values of all quantities of petroleum won and saved in the licensed area during that half year or during the period prior to such expiration or determination as the case may be for the purpose of calculating royalties which the Licensee is required by the Licence to pay to the Minister.

(2) If any such quantity is sold before the end of the half year in which it is won and saved or within two months thereafter the value thereof included in the statement of value shall, unless there is in force a direction applicable to that quantity pursuant to paragraph (6) of this clause that this paragraph shall not apply, be the sums for which such quantity is sold:

Provided that if a contract of sale—

(i) requires the Licensee to convey a quantity to any place outside the licensed area the Licensee shall state the costs incurred by him in conveying the quantity sold under that contract to the place to which it is thereby required to be conveyed and may deduct from the value thereof included in the statement of value the reasonable amount of such costs;

(ii) is not a contract in respect of which the conditions set out in paragraph (4) of this clause are satisfied the value to be included in the statement of value shall be the sum for which that quantity could have been sold to a willing purchaser under a contract in respect of which those conditions were satisfied, but otherwise upon the same terms as were applicable to the sale of that quantity.

(3) In any case to which the last foregoing paragraph does not apply the value to be included in the statement of value shall be the sum for which the quantity so won and saved could have been sold in the United Kingdom to a willing purchaser at the time at which such quantity was won and saved under a contract requiring the Licensee to deliver the petroleum to the nearest place in the United Kingdom to which the Licensee could deliver it, being a contract conforming to the conditions set out in the next following paragraph less a deduction for the reasonable amount of the costs incurred by the Licensee of conveying that quantity to that place of delivery.

(4) The conditions referred to in paragraph (2) hereof and in the last foregoing paragraph are—

(a) the contract price is the sole consideration for the sale;

(b) neither the Licensee nor any person associated in business with him has any interest direct or indirect in the subsequent resale or disposal of the petroleum or any product thereof;

(c) there has not been and will not be any commercial relationship between the Licensee and the buyer, whether created by contract or otherwise, other than that created by the sale.

(5) For the purposes of the last foregoing paragraph two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

(6) A direction that paragraph (2) of this clause shall not apply may be given by the Minister by notice in writing to the Licensee at any time and shall have effect from the date specified in such notice not being a date earlier than the beginning of the half year in which any quantity of petroleum to which the direction applies is won and saved. Any such direction may be revoked by the Minister in the like manner without prejudice to the giving of a further such direction.

(7) If any direction that paragraph (2) of this clause shall not apply is such that values complying therewith are required to be substituted for any values contained in a statement of value which has already been delivered, the Licensee shall within thirty days of the service of the notice containing that direction deliver to the Minister a revised statement of value including, in respect of all quantities to which that direction applies, values complying therewith.

(8) Unless within three months of the delivery of any statement of value or revised statement of value as the case may be the Minister gives notice to the Licensee that any value included therein is in dispute the values so included shall be conclusive for the purpose of calculating royalties which the Licensee is required to pay to the Minister but if such notice is given the dispute shall be referred to arbitration in the manner provided by Clause 33 hereof (the marginal note whereof is "Arbitration").

12. The Licensee shall during the term hereby granted carry out with Working due diligence the scheme of prospecting and development including any obligations. geological survey by any physical or chemical means or programme of test drilling or any of them set out in Schedule 3 to this Licence.

13.—(1) The Licensee shall not commence, or after abandoning in Commence- manner hereinafter provided, shall not recommence the drilling of any well without the consent in writing of the Minister. ment and abandonment and plugging of wells.

(2) The Licensee shall not abandon any well without the consent in writing of the Minister except as provided in paragraph (5) of this clause.

(3) The Licensee shall ensure compliance with any conditions subject to which any consent under either of the foregoing paragraphs is given.

(4) If any such condition under paragraph (1) of this clause relates to the position or depth of the well or its direction or if any condition under either of the foregoing paragraphs relates to any casing, plugging or sealing of the well, the Minister may from time to time direct that the well and all records relating thereto shall be examined in such manner upon such occasions or at such intervals and by such persons as may be specified by the Minister's direction and the Licensee shall pay to any such person or to the Minister such fees and expenses for such examination as the Minister may specify.

(5) All wells in any part of the licensed area shall, unless the Minister otherwise determines, be plugged by the Licensee not less than one month nor more than three months before the expiry or determination of the Licensee's rights under this Licence in relation to the licensed area or that part thereof.

(6) The plugging of any well shall be done in accordance with a specification approved by the Minister applicable to that well or to wells generally or to a class of wells to which that well belongs and shall be carried out in an efficient and workmanlike manner.

14. No well shall except with the consent in writing of the Minister be drilled or made so that any part thereof is less than one hundred and twenty-five metres from any of the boundaries of the licensed area. Distance of wells from boundaries of licensed area.

Provision of storage tanks pipes pipelines or other receptacles. 15. The Licensee shall use methods and practice customarily used in good oilfield practice for confining the petroleum obtained from the licensed area in tanks gasholders pipes pipelines or other receptacles constructed for that purpose.

Avoidance of harmful methods of working. 16.—(1) The Licensee shall maintain all apparatus and appliances and all wells in the licensed area which have not been abandoned and plugged as provided by Clause 13 hereof (the marginal note whereof is "Commencement and abandonment and plugging of wells") in good repair and condition and shall execute all operations in or in connection with the licensed area in a proper and workmanlike manner in accordance with methods and practice customarily used in good oilfield practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order—

- (a) to control the flow and to prevent the escape or waste of petroleum discovered in or obtained from the licensed area ;
- (b) to conserve the licensed area for productive operations ;
- (c) to prevent damage to adjoining petroleum bearing strata ;
- (d) to prevent the entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery ; and
- (e) to prevent the escape of petroleum into any waters in or in the vicinity of the licensed area.

(2) The Licensee shall comply with any instructions from time to time given by the Minister in writing relating to any of the matters set out in the foregoing paragraph. If the Licensee objects to any such instruction on the ground that it is unreasonable he may, within fourteen days from the date upon which the same was given, refer the matter to arbitration in manner provided by Clause 33 hereof (the marginal note whereof is "Arbitration").

(3) The Licensee shall give notice to the Minister of any event causing escape or waste of petroleum, damage to petroleum bearing strata or entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery within three days of the occurrence of that event.

Fishing and navigation. 17. The Licensee shall not carry out any operations authorised by this Licence in or about the licensed area in such manner as to interfere unjustifiably with navigation or fishing in the waters of the licensed area or with the conservation of the living resources of the sea.

Safety health and welfare of employees. 18. The Licensee shall comply with any instructions from time to time given by the Minister in writing for securing the safety health and welfare of persons employed in or about the licensed area.

Unit development. 19.—(1) If at any time in which this Licence is in force the Minister shall be satisfied that the strata in the licensed area or any part thereof form part of a single geological petroleum structure or petroleum field (hereinafter referred to as "an oil field") other parts whereof are formed by strata in areas in respect of which other licences granted in pursuance of the Act of 1934 or of that Act as applied by the Act of 1964 are then in force and the Minister shall consider that it is in the national interest in order to secure the maximum ultimate recovery of petroleum and in order to avoid unnecessary competitive drilling that the oilfield should be worked and developed as a unit in co-operation by all persons including the Licensee whose licences extend to or include any part thereof the following provisions of this clause shall apply.

(2) Upon being so required by notice in writing by the Minister the Licensee shall co-operate with such other persons, being persons holding licences under the Act of 1934 or that Act as applied by the Act of 1964 in respect of any part or parts of the oil field (hereinafter referred to as

“the other Licensees”) as may be specified in the said notice in the preparation of a scheme (hereinafter referred to as “a development scheme”) for the working and development of the oilfield as a unit by the Licensee and the other Licensees in co-operation, and shall, jointly with the other Licensees, submit such scheme for the approval of the Minister.

(3) The said notice shall also contain or refer to a description of the area or areas in respect of which the Minister requires a development scheme to be submitted and shall state the period within which such scheme is to be submitted for approval by the Minister.

(4) If a development scheme shall not be submitted to the Minister within the period so stated or if a development scheme so submitted shall not be approved by the Minister, the Minister may himself prepare a development scheme which shall be fair and equitable to the Licensee and all other Licensees, and the Licensee shall perform and observe all the terms and conditions thereof.

(5) If the Licensee shall object to any such development scheme prepared by the Minister he may within 28 days from the date on which notice in writing of the said scheme shall have been given to him by the Minister refer the matter to arbitration in the manner provided by Clause 33 hereof (the marginal note whereof is “Arbitration”).

20.—(1) The Licensee shall ensure that all petroleum won and saved from the licensed area other than petroleum used therein for the purpose of carrying on drilling and production operations or pumping to field storage and refineries shall be delivered on shore in the United Kingdom unless the Minister gives notice of his consent in writing to delivery elsewhere, and in such case the Licensee shall ensure compliance with any conditions subject to which that consent is given. Disposal of petroleum.

(2) Any conditions imposed by the Minister on a consent under the foregoing paragraph may, without prejudice to the generality of the Minister's right to impose conditions of any nature, include provision—

- (a) as to the place of delivery;
- (b) as to the price to be obtained for the petroleum to which such consent relates;
- (c) as to the time within which and the manner in which payment of the price is to be made; and
- (d) requiring payment to be made to a person resident in the United Kingdom.

21.—(1) The Licensee shall keep accurate records in a form from time to time approved by the Minister of the drilling, deepening, plugging or abandonment of all wells and of any alterations in the casing thereof. Such records shall contain particulars of the following matters— Licensee to keep records.

- (a) the site of and number assigned to every well;
- (b) the subsoil and strata through which the well was drilled;
- (c) the casing inserted in any well and any alteration to such casing;
- (d) any petroleum, water, mines or workable seams of coal encountered; and
- (e) such other matters as the Minister may from time to time direct.

(2) The Licensee shall keep in the United Kingdom accurate geological plans and maps relating to the licensed area and such other records in relation thereto as may be necessary to preserve all information which the Licensee has about the geology of the licensed area.

(3) The Licensee shall deliver copies of the said records, plans and maps referred to in the two foregoing paragraphs to the Minister as and when required.

Returns. 22.—(1) The Licensee shall furnish to the Minister on or before the fifteenth day of each month in which this Licence is in force a return in a form from time to time approved by the Minister of the progress of his operations in the licensed area. Such return shall contain—

- (a) a statement of the areas in which any geological work, including surveys by any physical or chemical means, has been carried out ;
- (b) the number assigned to each well, and in the case of any well the drilling of which was begun or the number of which has been changed in that month, the site thereof ;
- (c) a statement of the depth drilled in each well ;
- (d) a statement of any petroleum, water, mines or workable seams of coal encountered in the course of the said operations ; and
- (e) a statement of all petroleum won and saved.

(2) Within two months after the end of each calendar year in which this Licence is in force and within two months after the expiration or determination of this Licence or any renewal thereof the Licensee shall furnish to the Minister an annual return in a form from time to time approved by the Minister of the operations conducted in the licensed area during that year or the period prior to such expiration or determination as the case may be together with a plan upon a scale approved by the Minister showing the situation of all wells. The Licensee shall also indicate on the said plan all development and other works executed by him in connection with searching, boring for or getting petroleum.

(3) The Licensee shall furnish to the Minister such other information, including information in the form of maps and plans, as to progress of operations in the licensed area as the Minister may from time to time require.

Licensee to keep samples.

23. As far as reasonably practicable the Licensee shall correctly label and preserve for reference for a period of six months samples of the sea bed and of the strata encountered in any well and samples of any petroleum or water discovered in any well in the licensed area. The Minister or any person authorised by him shall be entitled to require that part of any such sample be delivered to him and to retain any sample or part thereof so delivered, and shall be entitled to inspect and analyse any samples kept by the Licensee.

Reports to be treated as confidential.

24. All records, returns, plans, maps, accounts and information which the Licensee is or may be from time to time required to furnish under the provisions of this Licence shall be supplied at the expense of the Licensee and shall not (except with the consent in writing of the Licensee which shall not be unreasonably withheld) be disclosed to any person not in the service or employment of the Crown. The Minister shall nevertheless be entitled at any time to make use of any information received from the Licensee for the purpose of preparing and publishing such returns and reports as may be required of the Minister pursuant to the Act of 1934 or the Act of 1964 or otherwise required by law.

Power to inspect records.

25. Any person authorised by the Minister may at all reasonable times inspect and make abstracts or copies of any records, returns, plans, maps or accounts which the Licensee is required to keep or make in accordance with the provisions of this Licence.

Rights of access.

26. Any person or persons authorised by the Minister shall be entitled at all reasonable times to enter into and upon any of the Licensee's installations or equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area for the purposes hereinafter mentioned—

- (a) to examine the installations wells plant appliances and works made or executed by the Licensee in pursuance of the Licence and the state of repair and condition thereof ; and

(b) to execute any works or to provide and install any equipment which the Minister may be entitled to execute or provide and install in accordance with the provisions hereof.

27. If the Licensee shall at any time fail to perform the obligations arising under the terms and conditions of any of the Clauses of this Licence the numbers and marginal notes whereof are as follows:—

Power to execute works.

- (a) Clause 9 (Measurement of petroleum obtained from the licensed area);
- (b) Clause 13 (Commencement and abandonment and plugging of wells);
- (c) Clause 15 (Provision of storage tanks pipes pipe-lines or other receptacles);
- (d) Clause 16 (Avoidance of harmful methods of working);
- (e) Clause 18 (Safety health and welfare of employees);

then and in any such case the Minister shall be entitled, after giving to the Licensee reasonable notice in writing of such his intention, to execute any works and to provide and install any equipment which in the opinion of the Minister may be necessary to secure the performance of the said obligations or any of them and to recover the costs and expenses of so doing from the Licensee.

28. If and whenever any of the considerations by way of royalty or otherwise specified by Schedule 2 hereto or any part thereof shall be in arrear or unpaid for 28 days next after any of the days whereon the same ought to be paid (whether the same shall have been legally demanded or not) then and so often as the same may happen the Minister may (as an additional remedy and without prejudice to the power of distress and any other rights and remedies to which he would be entitled) enter into and upon any of the Licensee's installations and equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area and may seize and distrain and sell as a landlord may do for rent in arrear all or any of the stocks of petroleum engines machinery tools implements chattels and effects belonging to the Licensee which shall be found in or upon or about the installations and equipment so entered upon and out of the moneys arising from the sale of such distress may retain and pay all the arrears of the said consideration and also the costs and expenses incident to any such distress and sale rendering the surplus (if any) to the Licensee.

Right of distress.

Note: When the licensed area is situate in Scottish territorial waters or in a designated area or part of a designated area in respect of which an Order in Council has been made pursuant to Section 3(2) of the Act of 1964 making provision for the determination of questions in accordance with the law in force in Scotland the following provision will be substituted for the foregoing clause.

28. If and whenever any of the considerations by way of royalty or otherwise specified by Schedule 2 hereto or any part thereof shall be in arrear or unpaid for 28 days next after any of the days whereon the same ought to be paid (whether the same shall have been legally demanded or not) then and so often as the same may happen the Minister may (as an additional remedy and without prejudice to any other rights and remedies to which he would be entitled) do diligence in respect thereof in like manner as a landlord may do diligence in respect of unpaid arrears of rent and such diligence shall be effectual to attach all or any of the stocks of petroleum engines machinery tools implements and other effects belonging to the Licensee which shall be found on or about any of the Licensee's installations and equipment used or to be used in connection with searching, boring for or getting petroleum in the licensed area, and where in pursuance of such a diligence a sale of such effects as shall have been attached thereby takes place the Minister may out of the proceeds thereof retain and pay all the arrears of the said consideration and also the expenses of and incident to such diligence and sale and shall pay the surplus thereof (if any) to the Licensee.

- Indemnity against third party claims.** 29. The Licensee shall at all times keep the Minister effectually indemnified against all actions proceedings costs charges claims and demands whatsoever which may be made or brought against the Minister by any third party in relation to or in connection with this Licence or by any matter or thing done or purported to be done in pursuance thereof.
- Advertisements, prospectuses, etc.** 30. No statement shall be made either in any notice advertisement prospectus or other document issued by or to the knowledge of the Licensee or in any other manner claiming or suggesting whether expressly or by implication that Her Majesty or any Government Department or any person or body acting on behalf of Her Majesty has or have formed or expressed any opinion that the licensed area is from its geological formation or otherwise one in which petroleum is likely to be obtainable.
- Agreement not to assign.** 31. The Licensee shall not without the consent of the Minister in writing assign or part with any of the rights granted by this Licence in relation to the whole or any part of the licensed area or grant any sub-licence in respect of any of such rights.
- Power of revocation.** 32.—(1) If any of the events specified in the following paragraph shall occur then and in any such case the Minister may revoke this Licence and thereupon the same and all the rights hereby granted shall cease and determine but subject nevertheless and without prejudice to any obligation or liability incurred by the Licensee or imposed upon him by or under the terms and conditions hereof.
- (2) The events referred to in the foregoing paragraph are—
- (a) any consideration specified in Schedule 2 hereto or any part thereof being in arrear or unpaid for two months next after any of the days whereon the same ought to have been paid ;
 - (b) any breach or non-observance by the Licensee of any of the terms and conditions of this Licence ;
 - (c) the bankruptcy of the Licensee ;
 - (d) the making by the Licensee of any arrangement or composition with his creditors ;
 - (e) if the Licensee is a company, the appointment of a receiver or any liquidation whether compulsory or voluntary ;
 - (f) any breach or non-observance by the Licensee of the terms and conditions of a development scheme ;
 - (g) the Licensee's ceasing to be a citizen of the United Kingdom and colonies or to be resident in the United Kingdom, or in the case of a company, ceasing to have its central management and control in the United Kingdom.
- Arbitration.** 33.—(1) If at any time any dispute difference or question shall arise between the Minister and the Licensee as to any matter arising under or by virtue of this Licence or as to their respective rights and liabilities in respect thereof then the same shall, except where it is expressly provided by this Licence that the matter or thing to which the same relates is to be determined decided directed approved or consented to by the Minister, be referred to arbitration as provided by the following paragraph.
- (2) The arbitration referred to in the foregoing paragraph shall be in accordance with the Arbitration Act 1950 by a single arbitrator who, in default of agreement between the Minister and the Licensee and, in the case of arbitration in relation to a development scheme, other Licensees affected by that scheme, as to his appointment, shall be appointed by the Lord Chief Justice of England for the time being.
- (3) In the case of any such arbitration which relates to a development scheme the Licensee shall unless the arbitrator otherwise determines perform and observe the terms and conditions of the development scheme pending the decision of the arbitrator.

Note: Where the licensed area is situate in Scottish territorial waters or in a designated area or part of a designated area in respect of which an Order in Council has been made pursuant to Section 3(2) of the Act of 1964 making provision for the determination of questions in accordance with the law in force in Scotland the following provisions will be substituted for the last two foregoing paragraphs.

(2) The arbitration referred to in the foregoing paragraph shall be by a single arbiter who, in default of agreement between the Minister and the Licensee and, in the case of arbitration relating to a development scheme, other Licensees affected by that scheme, as to his appointment, shall be appointed by the Lord President of the Court of Session.

(3) In the case of any such arbitration which relates to a development scheme the Licensee shall unless the arbiter otherwise determines perform and observe the terms and conditions of the development scheme pending the decision of the arbiter.

Note: Schedules to each Licence will (1) identify the blocks to which the Licence relates, (2) provide for the payment by the Licensee of sums agreed between the Minister and the Treasury which may include initial payments on the grant of the Licence, annual payments payable in advance and royalties based upon the value of petroleum recovered, (3) set out working obligations.

Licences will be executed as deeds in duplicate by all parties thereto.

SCHEDULE 3

MODEL CLAUSES FOR EXPLORATION LICENCES

1.—(1) In the following clauses the following expressions have the meanings hereby respectively assigned to them, that is to say:— Inter-pretation.

“the Act of 1934” means the Petroleum (Production) Act 1934;

“the Act of 1964” means the Continental Shelf Act 1964;

“block” means an area delineated on the reference map deposited at the principal office of the Ministry of Power;

“the exploration area” means the area for the time being in which the Licensee may exercise the rights granted by the Licence;

“Licensee” means the person or persons to whom the Licence is granted, his personal representatives and any person or persons to whom the rights conferred by the Licence may lawfully have been assigned;

“the Minister” means the Minister of Power;

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“well” includes borehole.

(2) Any obligations which are to be observed and performed by the Licensee shall at any time at which the Licensee is more than one person be joint and several obligations.

2. In consideration of the payments hereinafter provided and the performance and observance by the Licensee of all the terms and conditions hereof, the Minister, in exercise of the powers conferred upon him by the Act of 1934 and the Act of 1964, hereby grants to the Licensee LICENCE AND LIBERTY in common with all other persons to whom the like right may have been granted or may hereafter be granted during the continuance of this Licence and subject to the provisions hereof to search for petroleum in the sea bed and subsoil under the territorial waters of Great Britain and all areas which are for the time being designated pursuant to Section 1(7) of the Act of 1964 as areas in which rights are Right to search for petroleum.

exercisable by the United Kingdom outside territorial waters with respect to the sea bed and subsoil and their natural resources:

Provided that this Licence shall not confer any rights to search in blocks in respect of which a licence (not being a methane drainage licence) entitling the grantee thereof to search and bore for and get petroleum has been granted and that the rights hereby granted shall determine in respect of any block upon the grant by the Minister to any person of such a licence in respect thereof.

Prospecting methods.

3. The right to search for petroleum conferred by this Licence shall include prospecting and carrying out geological surveys by physical or chemical means and drilling for the purpose of obtaining geological information about strata in the exploration area but shall not include any right to get petroleum or any right to drill wells for production of petroleum or any other well of a depth exceeding three hundred and fifty metres below the surface of the sea bed or such greater depth as the Minister may from time to time approve either generally or in relation to a particular well or in relation to a class of wells to which that well belongs.

Term of Licence.

4. This Licence unless sooner determined under any of the provisions hereof shall be and continue in force for the term of three years next after 19 .

Right of Licensee to determine Licence

5. Without prejudice to any obligation or liability imposed by or incurred under the terms and conditions hereof the Licensee may at any time during the said term of three years determine this Licence by giving to the Minister not less than six months' previous notice in writing to that effect.

Payment of consideration for Licence.

6.—(1) The Licensee shall pay to the Minister during the term of this Licence the consideration for the grant of this Licence, determined by the Minister with the consent of the Treasury, specified in Schedule 1 hereto, at the times and in the manner so specified.

(2) The Licensee shall not by reason of determination of the Licence or of any reduction in the exploration area be entitled to be repaid or allowed any part of any sum payable to the Minister pursuant to the Licence.

Commencement and abandonment and plugging of wells.

7.—(1) The Licensee shall not commence, or after abandoning in manner hereinafter provided, shall not recommence the drilling of any well without the consent in writing of the Minister.

(2) The Licensee shall not abandon any well without the consent in writing of the Minister except as provided in paragraphs (5) and (6) of this clause.

(3) The Licensee shall ensure compliance with any conditions subject to which any consent under either of the foregoing paragraphs is given.

(4) If any such condition under paragraph (1) of this clause relates to the position or depth of the well or its direction or if any condition under either of the foregoing paragraphs relates to any casing, plugging or sealing of the well, the Minister may from time to time direct that the well and all records relating thereto shall be examined in such manner upon such occasions or at such intervals and by such persons as may be specified by the Minister's direction and the Licensee shall pay to any such person or to the Minister such fees and expenses for such examination as the Minister may specify.

(5) Where the Licensee's rights in any block determine by reason of the grant of such a licence as is mentioned in the proviso to Clause 2 hereof (the marginal note whereof is "Right to search for petroleum") the Licensee shall within one month thereafter plug any of the Licensee's wells in that block.

(6) All the Licensee's wells (other than wells to which the last foregoing paragraph applies) in the exploration area shall, unless the Minister otherwise determines, be plugged by the Licensee not less than one month nor more than three months before the expiry or determination of the Licensee's rights under this Licence.

(7) The plugging of any well shall be done in accordance with a specification approved by the Minister applicable to that well or to wells generally or to a class of wells to which that well belongs and shall be carried out in an efficient and workmanlike manner.

8. No well shall except with the consent in writing of the Minister be drilled or made so that any part thereof is less than one hundred and twenty-five metres from any of the boundaries of the exploration area.

Distance of wells from boundaries of exploration area.

9.—(1) The Licensee shall maintain all apparatus and appliances and all wells which have not been abandoned and plugged as provided by Clause 7 hereof (the marginal note whereof is "Commencement and abandonment and plugging of wells") in good repair and condition and shall execute all operations in or in connection with the exploration area in a proper and workmanlike manner in accordance with methods and practice of exploration customarily used in good oilfield practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order—

Avoidance of harmful methods of working.

(a) to prevent the escape or waste of petroleum discovered in the exploration area ;

(b) to conserve the exploration area for productive operations ;

(c) to prevent damage to petroleum bearing strata ;

(d) to prevent the entrance of water through wells to petroleum bearing strata ; and

(e) to prevent the escape of petroleum into any waters in or in the vicinity of the exploration area.

(2) The Licensee shall comply with any instructions from time to time given by the Minister in writing relating to any of the matters set out in the foregoing paragraph. If the Licensee objects to any such instruction on the ground that it is unreasonable he may, within fourteen days from the date upon which the same was given, refer the matter to arbitration in manner provided by Clause 22 hereof (the marginal note whereof is "Arbitration").

(3) The Licensee shall give notice to the Minister of any event causing escape or waste of petroleum, damage to petroleum bearing strata or entrance of water through wells to petroleum bearing strata within three days of the occurrence of that event.

10. The Licensee shall not carry out any operations authorised by this Licence in or about the exploration area in such manner as to interfere unjustifiably with navigation or fishing in the waters of the exploration area or with the conservation of the living resources of the sea.

Fishing and navigation.

11. The Licensee shall comply with any instructions from time to time given by the Minister in writing for securing the safety health and welfare of persons employed in or about the exploration area.

Safety health and welfare of employees.

12.—(1) The Licensee shall keep accurate records in a form from time to time approved by the Minister of the drilling, deepening, plugging or abandonment of all wells and of any alterations in the casing thereof. Such records shall contain particulars of the following matters—

Licensee to keep records.

(a) the site of and number assigned to every well ;

(b) the subsoil and strata through which the well was drilled ;

- (c) the casing inserted in any well and any alteration to such casing ;
 - (d) any petroleum, water, mines or workable seams of coal encountered ;
and
 - (e) such other matters as the Minister may from time to time direct.
- (2) The Licensee shall keep in the United Kingdom accurate geological plans and maps relating to the exploration area and such other records in relation thereto as may be necessary to preserve all information which the Licensee has about the geology of the exploration area.

(3) The Licensee shall deliver copies of the said records, plans and maps referred to in the two foregoing paragraphs to the Minister as and when required.

Returns.

13.—(1) The Licensee shall furnish to the Minister on or before the fifteenth day of each month in which this Licence is in force a return in a form from time to time approved by the Minister of the progress of his operations in the exploration area. Such return shall contain—

- (a) a statement of the areas in which any geological work, including surveys by any physical or chemical means, has been carried out ;
- (b) the number assigned to each well, and in the case of any well the drilling of which was begun or the number of which was changed in that month, the site thereof ;
- (c) a statement of the depth drilled in each well ; and
- (d) a statement of any petroleum, water, mines or workable seams of coal encountered in the course of the said operations.

(2) Within two months after the end of each calendar year in which this Licence is in force and within two months after the expiration or determination of this Licence the Licensee shall furnish to the Minister an annual return in a form from time to time approved by the Minister of the operations conducted by him in the exploration area during that year or the period prior to such expiration or determination as the case may be together with a plan upon a scale approved by the Minister showing the situation of all wells. The Licensee shall also indicate on the said plan all works executed by him in connection with searching for petroleum.

(3) The Licensee shall furnish to the Minister such other information, including information in the form of maps and plans, as to progress of his operations in the exploration area as the Minister may from time to time require.

Licensee to keep samples.

14. As far as reasonably practicable the Licensee shall correctly label and preserve for reference for a period of six months samples of the sea bed and of the strata encountered in any of the Licensee's wells and samples of any petroleum or water discovered in any of the Licensee's wells in the exploration area. The Minister or any person authorised by him shall be entitled to require that part of any such sample be delivered to him and to retain any sample or part thereof so delivered, and shall be entitled to inspect and analyse any samples kept by the Licensee.

Reports to be treated as confidential.

15. All records, returns, plans, maps and information which the Licensee is or may be from time to time required to furnish under the provisions of this Licence shall be supplied at the expense of the Licensee and shall not (except with the consent in writing of the Licensee which shall not be unreasonably withheld) be disclosed to any person not in the service or employment of the Crown. The Minister shall nevertheless be entitled at any time to make use of any information received from the Licensee for the purpose of preparing and publishing such returns and reports as may be required of the Minister pursuant to the Act of 1934 or the Act of 1964 or otherwise required by law.

16. Any person authorised by the Minister may at all reasonable times inspect and make abstracts or copies of any records, returns, plans or maps which the Licensee is required to keep or make in accordance with the provisions of this Licence. Power to inspect records.

17. Any person or persons authorised by the Minister shall be entitled at all reasonable times to enter into and upon any of the Licensee's installations and equipment used or to be used in connection with searching for petroleum in the exploration area for the purposes hereinafter mentioned— Rights of access.

(a) To examine the installations wells plant appliances and works made or executed by the Licensee in pursuance of the Licence and the state of repair and condition thereof ; and

(b) To execute any works or to provide and install any equipment which the Minister may be entitled to execute or provide and install in accordance with the provisions hereof.

18. If the Licensee shall at any time fail to perform the obligations arising under the terms and conditions of any of the Clauses of this Licence the numbers and marginal notes whereof are as follows :— Power to execute works.

(a) Clause 7 (Commencement and abandonment and plugging of wells) ;

(b) Clause 9 (Avoidance of harmful methods of working) ;

(c) Clause 11 (Safety, health and welfare of employees) ;

then and in any such case the Minister shall be entitled, after giving to the Licensee reasonable notice in writing of such his intention, to execute any works and to provide and install any equipment which in the opinion of the Minister may be necessary to secure the performance of the said obligations or any of them and to recover the costs and expenses of so doing from the Licensee.

19. The Licensee shall at all times keep the Minister effectually indemnified against all actions proceedings costs charges claims and demands whatsoever which may be made or brought against the Minister by any third party in relation to or in connection with this Licence or any matter or thing done or purported to be done in pursuance thereof. Indemnity against third party claims.

20. The Licensee shall not without the consent of the Minister in writing assign or part with any of the rights granted by this Licence in relation to the whole or any part of the exploration area or grant any sub-licence in respect of any of such rights. Agreement not to assign.

21.—(1) If any of the events specified in the following paragraph shall occur then and in any such case the Minister may revoke this Licence and thereupon the same and all the rights hereby granted shall cease and determine but subject nevertheless and without prejudice to any obligation or liability incurred by the Licensee or imposed upon him by or under the terms and conditions hereof. Power of revocation.

(2) The events referred to in the foregoing paragraph are—

(a) any consideration specified in Schedule 1 hereto or any part thereof being in arrear or unpaid for two months next after any of the days whereon the same ought to have been paid ;

(b) any breach or non-observance by the Licensee of any of the terms and conditions of this Licence ;

(c) the bankruptcy of the Licensee ;

(d) the making by the Licensee of any arrangement or composition with his creditors ;

(e) if the Licensee is a company, the appointment of a receiver or any liquidation whether compulsory or voluntary ;

(f) the Licensee's ceasing to be a citizen of the United Kingdom and colonies, or to be resident in the United Kingdom, or in the case of a company, ceasing to have its central management and control in the United Kingdom.

Arbitration. 22.—(1) If at any time any dispute difference or question shall arise between the Minister and the Licensee as to any matter arising under or by virtue of this Licence or as to their respective rights and liabilities in respect thereof then the same shall, except where it is expressly provided by this Licence that the matter or thing to which the same relates is to be determined decided approved or consented to by the Minister, be referred to arbitration as provided by the following paragraph.

(2) The arbitration referred to in the foregoing paragraph shall be in accordance with the Arbitration Act 1950 by a single arbitrator who, in default of agreement between the Minister and the Licensee as to his appointment, shall be appointed by the Lord Chief Justice of England for the time being:

Provided that if any such dispute difference or question arises solely out of any act or omission taking place in Scottish territorial waters or in a designated area or part of a designated area in respect of which an Order in Council has been made pursuant to Section 3(2) of the Act of 1964 making provision for the determination of questions in accordance with the law in force in Scotland the arbitration referred to in the foregoing paragraph shall be by a single arbiter who, in default of agreement between the Minister and the Licensee as to his appointment, shall be appointed by the Lord President of the Court of Session.

Note: *A schedule to each Licence will provide for the payment by the Licensee of sums agreed between the Minister and the Treasury which may include annual payments payable in advance.*

Licences will be executed as deeds in duplicate by all parties thereto.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations set out the requirements for applications for licences to search and bore for, and get, petroleum to be issued under the Petroleum (Production) Act 1934 as applied by the Continental Shelf Act 1964, or to be issued under the first mentioned Act in respect of areas in the territorial waters of the United Kingdom, except in those cases where existing holders of prospecting licences are entitled to apply for mining licences, to which the Petroleum (Production) Regulations 1935 as amended will continue to apply. Those Regulations as amended will also continue to apply to methane drainage licences.

These Regulations also prescribe the model clauses to be incorporated, unless the Minister thinks fit to modify or exclude them in a particular case, in licences granted in pursuance of applications under these Regulations.

1964 No. 709

EMERGENCY POWERS
**The Control of Treasury Bills (Egypt) (Revocation)
 Direction 1964**

<i>Made - - - -</i>	11th May 1964
<i>Laid before Parliament</i>	20th May 1964
<i>Coming into Operation</i>	21st May 1964

The Treasury, in exercise of the powers conferred upon them by Regulation 2A of the Defence (Finance) Regulations 1939 as having effect by virtue of the Emergency Laws (Repeal) Act 1959(a), and of all other powers enabling them in that behalf, hereby give the following direction:—

1. The Direction(b), dated 1st July 1947, given by the Treasury under Regulation 2A of the Defence (Finance) Regulations 1939, applying to Egypt, is hereby revoked.

2. The Interpretation Act 1889(c) shall apply for the interpretation of this direction as it applies for the interpretation of an Act of Parliament.

3. This direction may be cited as the Control of Treasury Bills (Egypt) (Revocation) Direction 1964, and shall come into operation on 21st May 1964.

11th May 1964.

Ian MacArthur,
M. A. Hamilton,

Two of the Lords Commissioners
 of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Direction, but is intended to indicate its general purport.)

This Direction revokes the Direction which was made on 1st July 1947 in order to control Egyptian assets in the United Kingdom and which in so far as it related to Treasury Bills was continued in force by Section 2(5) of the Emergency Laws (Repeal) Act 1959.

(a) 7 & 8 Eliz. 2. c. 19.

(b) S.R. & O. 1947/1355 (1947 II, p. 392).

(c) 52 & 53 Vict. c. 63.

1964 No. 711 (S. 42)

BUILDING AND BUILDINGS**The Building (Forms) (Scotland) Regulations 1964**

<i>Made</i> - - - -	14th May 1964
<i>Laid before Parliament</i>	26th May 1964
<i>Coming into Operation</i>	15th June 1964

In exercise of the powers conferred on me by section 24 of the Building (Scotland) Act 1959(a) and of all other powers enabling me in that behalf, I hereby make the following regulations—

1.—(1) These regulations may be cited as the Building (Forms) (Scotland) Regulations 1964, and shall come into operation on 15th June 1964.

(2) Any form referred to in these regulations by number means the form so numbered in the Schedule hereto.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2.—(1) The forms set out in the Schedule hereto, or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Building (Scotland) Act 1959 in the cases to which these forms are applicable.

(2) In the forms so set out any reference to the Building Standards (Scotland) Regulations 1963(c) shall, except where the context otherwise requires, be construed as a reference to those regulations as amended by any subsequent regulations.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh 1.

14th May 1964.

SCHEDULE**LIST OF FORMS**

<i>Form</i>	<i>Purpose</i>	<i>Reference to sections of the Building (Scotland) Act 1959</i>
1	Application for relaxation of the Building Standards (Scotland) Regulations 1963	4
2	Application for Warrant to erect a building	6
3	Application for Warrant to erect a building intended to have a limited life	6

(a) 7 & 8 Eliz. 2. c. 24.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1963/1897 (1963 III, p. 3534).

<i>Form</i>	<i>Purpose</i>	<i>Reference to sections of the Building (Scotland) Act 1959</i>
4	Application for Warrant to alter or extend a building ...	6
5	Application for Warrant to change the use of a building ...	6
6	Application for Warrant to demolish a building ...	6
7	Application for Minor Warrant	6 and 7
8	Service copy of application for Warrant	6
9	Warrant to erect, alter or extend a building	6
10	Warrant to erect a building intended to have a limited life	6
11	Warrant to demolish a building	6
12	Warrant to change the use of a building	6
13	Minor Warrant.	6
14	Application for extension of period of use of building intended to have a limited life	6
15	Application for amendment of Warrant	6
16	Service copy of application for amendment of Warrant	6
17	Reference of refused application for Warrant for minor works to the buildings authority	7(3)
18	Application for permission to occupy portion of a road temporarily in connection with building operations ...	8
19	Service copy of application for permission to occupy portion of a road temporarily in connection with building operations	8
20	Permission to occupy portion of a road temporarily in connection with building operations	8
21	Application for certificate of completion	9
22	Certificate of completion	9
23	Certificate of compliance of electrical installations ...	9
24	Application for authorisation of temporary occupation/use	9
25	Authorisation of temporary occupation/use	9
26	Reference of refused application for certificate of completion to the buildings authority	9
27	Notice under section 10 to show cause why operations should not be executed	10
28	Order under section 10 requiring execution of operations on a building	10
29	Notice under section 11 requiring owner to show cause why buildings should not conform to Building Standards (Scotland) Regulations 1963	11
30	Order under section 11 to make building conform to Building Standards (Scotland) Regulations 1963 ...	11
31	Notice requiring operations to be executed on a dangerous building	13
32	Application by Master of Works for order requiring operations to be executed on a dangerous building ...	13
33	Service copy of application by Master of Works for order requiring operations to be executed on a dangerous building	13
34	Order under section 13 requiring owner to execute operations on a dangerous building	13
35	Authority to enter premises—section 18(1)	18
36	Authority to enter premises—section 18(2)	18
37	Notice of intention to enter premises	18
38	Charging order	Schedule 6
39	Notice to remove from dangerous building or building adjacent thereto	Schedule 7
40	Certificate that building is a source of immediate danger	"
41	Certificate that order has been made under section 13 requiring building to be demolished	"

1. APPLICATION FOR RELAXATION OF THE BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

To the Secretary of State for Scotland,
 St. Andrew's House,
 Edinburgh, 1.

Insert here full name(s) and address(es) of applicant(s).

I/We

under reference to the particulars given in the Schedule hereto [and in the plans, specifications and other information which accompany this application],* hereby apply under section 4 of the Building (Scotland) Act 1959, in connection with—

[See Note 1.]

a proposed/an* application for warrant for erection/alteration/extension ;*

*a notice under section 11 of the Building (Scotland) Act 1959 dated , 19

for a direction that in relation to the [proposed]* building at the provisions of the Building Standards (Scotland) Regulations 1963 set out in the said Schedule—

*shall not apply

*shall apply subject to the modifications set out in the said Schedule.

[I have notified the of, as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of that I have made this application.]

[See Note 2.]

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

PART I

Regulation	Provision from which relaxation sought	Proposed relaxation (give here details of any modification sought)	Reasons for application

PART II

Particulars of Affected Proprietors

[See Note 3.]

Name

Address

.....

Notes for the Guidance of the Applicant

1. Under section 4 of the Building (Scotland) Act 1959 if it appears to the Secretary of State that it is unreasonable that any provision of the Building Standards Regulations should apply to a building or apply to it without modification, he may direct that the provision shall not apply to the building or shall apply subject to modifications.

2. This paragraph is appropriate only where the application for relaxation follows the service of a notice by the local authority under section 11 of the Building (Scotland) Act 1959 requiring the owner of a building to show cause why his building should not conform to a provision of the Building Standards (Scotland) Regulations 1963. The owner may, within the period specified in the notice, apply to the Secretary of State for a relaxation. If he does so, he must notify the local authority of this fact.

3. "Affected proprietor", in relation to a building, includes any person who is—

- (a) an owner of the building or of the site thereof ;
- (b) an owner of the conterminous land, but only if any part of such land is within 100 yards of any part of the building or of the site thereof, and
- (c) an owner of land part of which is within 15 feet of any part of the building or site thereof.

2. APPLICATION FOR WARRANT TO ERECT A BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority.*
buildings authority for the county/city of

I/We,
.....
.....
Insert here full name(s) and address(es) of applicant(s).

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to erect a building at
.....
Insert here address of site or building.

of which I am/we are
all in conformity with the plans, sections, elevations and drawings [and specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto.
State interest in site, e.g., owner, tenant.

[See Note 1.]

I/We also apply for permission under section 8 of the said Act to occupy temporarily, for the purpose of depositing materials or otherwise in connection with the operations referred to above, the portion of
shown in the said plans:
Insert here name of road [see Note 2] which must be adjacent to the building or site.

and for authority under the said section 8 to erect staging or scaffolding so as to project over the portion of shown in the said plans.*
Insert here name of road [see Note 2] which must be adjacent to the building or site.

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

PART I

Particulars of Application

(In Block Capitals)

- | | |
|---|------------------------|
| 1. Name and address of agent (if any) acting on the applicant's behalf. | Name |
| | Postal Address |
| | Telephone Number |
| | Profession |
2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.
3. When is it intended to start the operations?
4. What is the estimated cost of the operations?
5. What is the proposed use of the building? (Where more than one use is proposed, state the uses and indicate the part of the building allocated to each use.)

PART II

*Particulars of Construction**

1. *Site*
- (a) State briefly the results of any site investigation. (a).....
- (b) State briefly proposed treatment of solum. (b).....
2. *Structure*
- (a) State brief details of materials, construction and finishes (so far as not evident from plan submitted with application for warrant) in—
- | | |
|--|-------------|
| (i) external walls; | (i)..... |
| (ii) fire division walls; | (ii)..... |
| (iii) separating walls; | (iii)..... |
| (iv) compartment floors; | (iv)..... |
| (v) separating floors; | (v)..... |
| (vi) roofs; | (vi)..... |
| (vii) enclosing walls of stairs and landings; | (vii)..... |
| (viii) ceilings, including ceilings over staircases and balconies; | (viii)..... |
| (ix) any ventilation, plumbing or other duct; | (ix)..... |
| (x) windows; | (x)..... |
| (xi) doors in protected doorways, and | (xi)..... |
| (xii) stairs. | (xii)..... |

(b) In the case of a residential building to which Part IX of the Regulations apply, state—

- (i) thermal transmittance coefficient of each part of the external walls (see regulation 109(1)); (i).....
- (ii) the average thermal transmittance coefficient of external walls over the building or each house in the building, as the case may be (see regulation 109(2)); (ii).....
- (iii) the thermal transmittance coefficient of the roof (see regulation 108); (iii).....
- (iv) the thermal transmittance coefficient of any part of the floor exposed to the open air (see regulation 110(2)).† (iv).....

3. Services

State briefly details of such of the following installations as are in the building—

- (a) heating installation (including fuel storage); (a).....
- (b) lifts provided so as to comply with regulation 61 or 182 (giving the size and loading of the lift car, the speed thereof and details of the control devices); (b).....
- (c) mechanical ventilation system; (c).....
- (d) firemeans provided so as to comply with regulation 60; (d).....
- (e) refuse disposal arrangements provided so as to comply with regulation 196. (e).....

4. Miscellaneous

State allocation and occupant capacity of each room and storey (see regulation 6).

* If the information asked for under any of the heads of this Part of the Schedule is already available in a plan or other document submitted with this application, it is sufficient to give a reference to the plan or other document in question. Where necessary, any of the information asked for may be shown on a separate sheet attached to this application.

The references in the Schedule to regulations are references to regulations of the Building Standards (Scotland) Regulations 1963.

† Where the walls, roof, or floor meet a deemed-to-satisfy specification set out in Schedule 9 to the Building Standards Regulations, it will be sufficient to insert a reference to the relevant specification.

DOCQUETS OF SERVICE

1. Certificate of Service of Copies of Application

I/We certify that on the _____ day of _____, 19____, a service copy of this application was duly served upon the master of works and on each of the following proprietors (being all the affected proprietors who have not dispensed with formal service as noted hereunder) and they have been notified that plans and other relevant particulars may be examined at

[See Note 3.]

State here where plans and other relevant particulars may be examined.

Name	Address
.....
.....
.....

Signature of applicant or agent or other person effecting the service

Witness to Service.....

Date..... [See Note 4.]

2. Acceptance of Service

We, severally and respectively, accept service of the foregoing application and dispense with formal service—

<i>Dates</i>	<i>Signatures</i>
.....
.....
.....

Notes for Guidance of Applicant

1. Section 6 of the Building (Scotland) Act 1959 provides:—
“

(2) A buildings authority shall, subject to subsection (8) of this section, grant a warrant such as is mentioned in the foregoing subsection on application being made therefor in the prescribed manner—

(a) in the case of a warrant for the construction or demolition of a building, if, but only if, they are satisfied that the operations involved will be conducted in accordance with the building operations regulations, and (in the case of operations for the construction of a building) that nothing in any plan, specification or other information submitted with the application shows that the building when constructed will fail to conform to the building standards regulations ; and

(b) in the case of a warrant for the change of use of a building, if, but only if, they are satisfied that after the change of use the building will conform to so much of the building standards regulations as will become applicable, or will apply more onerously, to the building by reason of the change of use.

.....
(8) Notwithstanding anything in this section it shall be competent for—

(a) a buildings authority which is a dean of guild court to refuse to grant a warrant (or an amendment of the terms of a warrant) if in the exercise of any jurisdiction exercisable by them apart from this Act they have determined that the operations or change of use in respect of which the warrant or amendment has been applied for would result in an infringement of a private right or otherwise be contrary to law, or

(b) any buildings authority to refuse to grant a warrant (or an amendment of the terms of a warrant) if the application for it has not been duly made in the prescribed manner, or if, where the application relates to an extension to, or alteration of, a building, they consider that, as a direct result of the extension or, as the case may be, the alteration, the building as extended or altered will fail to conform with the building standards regulations ;

and nothing in this section shall be taken to prejudice the operation of section seventeen of the Restriction of Ribbon Development Act, 1935, or sections two, three or six of the Thermal Insulation (Industrial Buildings) Act, 1957 (which sections in their application to Scotland relate to the power of buildings authorities to refuse to grant warrants in certain circumstances).

..... ”

2. “ Road ” includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street. (Section 29(1) of the said Act of 1959.)

3. “ Affected proprietor ”, in relation to a building, includes any person who is—

(a) an owner of the building or of the site thereof ;

(b) an owner of the conterminous land, but only if any part of such land is within 100 yards of any part of the building or of the site thereof, and

(c) an owner of land part of which is within 15 feet of any part of the building or site thereof.

(Regulation 6(4) of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.)

4. Section 25(1) of the Building (Scotland) Act 1959 provides that the provisions of section 349 of the Local Government (Scotland) Act 1947 shall apply to the service of any document required to be served under that Act.

3. APPLICATION FOR WARRANT TO ERECT A BUILDING INTENDED TO HAVE A LIMITED LIFE
BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,*
buildings authority for the county/city of

I/We,.....

Insert here full name(s) and address(es) of applicant(s).

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to erect a building at

Insert here address of building or site.

of which I am/we are all in conformity with the plans, sections, elevations and drawings [and specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto, such building being intended to have a life of years.

State interest in site, e.g., owner, tenant.

[See Note 1.]

[See Note 5.]

I/We also apply for permission under section 8 of the said Act to occupy temporarily, for the purpose of depositing materials or otherwise in connection with the operations referred to above, the portion of..... shown in the said plans* and for authority under the said section 8 to erect staging or scaffolding so as to project over the portion of shown in the said plans*.

Insert here name of road [see Note 2] which must be adjacent to the building or site.

Insert here name of road [see Note 2] which must be adjacent to the building or site.

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

The Schedule to this Form should be the same as the Schedule to Form 2.

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

1/4. Notes 1 to 4 appended to this Form should be the same as the Notes 1 to 4 appended to Form 2.

5. In relation to a building to be constructed in accordance with the special provisions of the Building Standards (Scotland) Regulations 1963, relating to buildings intended to have a limited life, the period of intended life of the building should not exceed 5 years.

4. APPLICATION FOR WARRANT TO ALTER OR EXTEND A BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority, buildings authority for the county/city of

Insert here full name(s) and address(es) of applicant(s).

I/We,.....

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to [....., forming part

Insert here "alter" or "extend" [see Note 5].

Insert here address of building.

of]* the building at

State interest in building, e.g., owner, tenant. [See Note 1.]

of which I am/we are all in conformity with the plans, sections, elevations and drawings [and specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto.

Insert here name of road [see Note 2] which must be adjacent to the building.

I/We also apply for permission under section 8 of the said Act to occupy temporarily, for the purpose of depositing materials or otherwise in connection with the operations referred to above, the portion of..... shown in the said plans* and for authority under the said section 8 to erect staging or scaffolding so as to project over the portion of shown in the said plans*.

Insert here name of road [see Note 2] which must be adjacent to the building.

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

PART I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name

Postal Address

Telephone Number

Profession

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended to start the operations?

- 4. What is the estimated cost of the operations?
- 5. What is the present use of the building or the part of the building covered by the application? (If there is more than one use state the uses and indicate the part allocated to each use.)
- 6. What is the proposed use of any extension to the building? (Where more than one use is proposed state the use and indicate the part allocated to each use.)

PART II

(Part II of the Schedule to this Form should be the same as Part II of the Schedule to Form 2.)

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

1/4. The Notes 1 to 4 appended to this Form should be the same as the Notes 1 to 4 appended to Form 2.

5. Where a proposed alteration or extension of a building involves a change of use of the building or any part thereof a combination of Forms 4 and 5, suitably adapted, should be used.

5. APPLICATION FOR WARRANT TO CHANGE THE USE OF A BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,*
buildings authority for the county/city of

I/We,

Insert here full name(s) and address(es) of applicant(s).

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to change the use of [..... forming part of]* the building at

[See Note 2.]

.....
.....

Insert here address of building.

of which I am/ we are.....
in accordance with the particulars given below and by reference to the plan(s) [sections, elevations, drawings and specifications and other statements]* produced herewith.

State interest in building, e.g. owner, tenant.

[See Note 1.]

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

Particulars of Application

(In Block Capitals)

- | | |
|---|------------------------|
| 1. Name and address of agent (if any) acting on the applicant's behalf. | Name |
| | Postal Address |
| | Telephone Number |
| | Profession |
2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.
3. When is it intended that the change of use should take place?
4. (a) What is the present use of the building or the part of the building covered by the application? (If there is more than one use state the uses and indicate the part allocated to each use).
- (b) What is the proposed new use of such building or part thereof? (Where more than one new use is proposed state the uses and indicate the part allocated to each use).
- (c) State the provisions of the Building Standards (Scotland) Regulations 1963 which will become applicable or will apply more onerously to the building or part thereof by reason of the change of use.

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

2. "Change of use" in relation to a building means such change in the use or occupation of the building as will bring it within a class of building to which the Building Standards (Scotland) Regulations 1963 apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of these Regulations apply. (See section 29(1) of the Building (Scotland) Act 1959.)

Where a proposed change of use of a building or part of a building involves alterations or extensions of the building or part a combination of Forms 4 and 5, suitably adapted, should be used.

1, 3 and 4. The Notes 1, 3 and 4 appended to this Form should be the Notes 1, 3 and 4 appended to Form 2.

6. APPLICATION FOR WARRANT TO DEMOLISH A BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority, buildings authority for the county/city of

I/We Insert here full name(s) and address(es) of applicant(s).

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to demolish a building at. Insert here address of building.

of which I am/we are State interest in building, e.g., owner, tenant. in accordance with the particulars given below, and by reference to the plan produced herewith. [See Note 1.]

I/We also apply for permission under section 8 of the said Act to occupy temporarily, for the purpose of depositing materials or otherwise in connection with the operations referred to above, the portion of shown in the said plans*; and for authority under the said section 8 to erect staging or scaffolding so as to project over the portion of shown in the said plan*. Insert here name of road [see Note 2] which must be adjacent to the building. Insert here name of road [see Note 2] which must be adjacent to the building.

Signature of applicant or agent

Date

* Delete as appropriate.

PART I

Particulars of Application

(In Block Capitals)

- 1. Name and address of agent (if any) acting on the applicant's behalf. Name, Postal Address, Telephone Number, Profession. 2. When is it intended to start the operations?

PART II

Particulars of building to be demolished

Give such particulars as are necessary to show that the operations involved will be conducted in accordance with the Building (Operations) (Scotland) Regulations 1963 [and any direction issued by the master of works under these Regulations], so far as such particulars are not shown in the plan produced with the application.

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

1/4. Notes 1 to 4 appended to this Form should be the same as the Notes 1 to 4 appended to Form 2.

7. APPLICATION FOR MINOR WARRANT
BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,
buildings authority for the county/city of

I/We
.....
.....

Insert here full name(s) and address(es) of applicant(s).

[See Note 1.]

apply under sections 6 and 7 of the Building (Scotland) Act 1959 for a warrant to

Insert here "erect", "alter" or "extend".

[....., forming part of the]* building at

Insert here address of building or site

of which I am/we are

State interest in building, e.g., owner, tenant.

all in conformity with the plans [sections, elevations and drawings, specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto.

[See Notes 2 and 3.]

Signature of applicant or agent

Date

* Delete as appropriate.

SCHEDULE

PART I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name

Postal Address

Telephone Number

Profession

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended to start the operations?

4. What is the estimated cost of the operations?

5. What is the use or proposed use of the building or the part of the building covered by the application? (Where more than one use is proposed state the uses or proposed uses and indicate the part of the building allocated to each use.)

PART II

(Part II of the Schedule to this Form should be the same as Part II of the Schedule to Form 2.)

Certificate by Applicant

I/We certify that a copy of this application has been duly served upon the master of works and that all the affected proprietors have signed the docquet hereto.

[See Note 4.]

Signature of applicant or agent
or other person effecting the service

[See Note 5.]

Witness to service Date

Docquet

We, the undersigned, hereby dispense with formal service of the foregoing application and state that we have no objection to the carrying out of the operations mentioned therein.

Dates

Signatures

.....
.....
.....

Notes for Guidance of Applicant

1. Where a proposed alteration or extension of a building involves a change of use of the building or any part thereof a combination of Forms 5 and 7, suitably adapted, should be used.

2. Minor works are prescribed in regulation 3 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 as any construction—

- “(a) the cubic capacity of which does not, in the case of the erection or extension of a building, exceed 4,000 cubic feet, and
- (b) the estimated cost of which does not, in any case, exceed £500.”

3, 4 and 5. The Notes 3, 4 and 5 appended to this Form should be the same as the Notes 1, 3 and 4 appended to Form 2.

6. Section 7 of the Building (Scotland) Act 1959 makes provision for the delegation of the functions of the buildings authority in dealing with applications for warrant for minor works—

- (a) to their clerk or
- (b) to the master of works appointed by the local authority.

An application cannot, however, be dealt with under the delegation unless it is shown that the affected proprietors have no objection to the granting of the application. Where the delegation is to the clerk to the buildings authority it must also be shown that there is no objection on the part of the master of works. This is done by each affected proprietor (and where appropriate, the master of works) signing the docquet above. Where the signature of all the affected proprietors (and where appropriate, the master of works) cannot be obtained the application must be made under the ordinary procedure.

7. If any person is aggrieved by a refusal of the clerk of a buildings authority or a master of works to grant a warrant applied for by him he may require his application to be referred to, and dealt with by, the buildings authority.

**8. SERVICE COPY OF APPLICATION FOR WARRANT
BUILDING (SCOTLAND) ACT 1959**

[On a copy of the application for warrant as lodged by the applicant with the buildings authority (but excluding the Schedule to the application and docquets of service) there should be endorsed the following notice]

Insert here name and address of person on whom service is to be made.

To as affected proprietor*
master of works

State where plans and other relevant particulars may be examined.

1. You are hereby served with the foregoing application for warrant, which is about to be lodged with the [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of

2. The plans and other particulars relating to the application may be examined at

3. You may by a statement in writing lodged with or sent to as clerk to the within 14 days from object to the granting of the application and apply to be heard by the buildings authority.

4. Any objection so made should state—

(a) the interest by reason of which you claim to be entitled to be heard in the application ;

(b) the grounds of objection on which you intend to rely, and

(c) an address at which documents may be served upon you.

5. A copy of any objection should be served on the applicant for warrant [and on the master of works]*

Signature of applicant or agent

Insert address of applicant or agent and date.

.....
..... 19

* Delete as appropriate

Notes

(to be incorporated in each service copy of the Application)

1. Regulation 6 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 provides:—

“(1) An applicant for a warrant or an amendment of a warrant shall, before lodging the application with the clerk to the buildings authority, serve a service copy of the application on every other affected proprietor and on the master of works :

Provided that nothing in this paragraph shall require service of a service copy of the application on any person who has signed the form of application as dispensing with formal service thereof.

(2) The buildings authority may at any time require the applicant to serve a service copy of the application on such other person as they may direct.

.....”

2. Regulation 7 of the said regulations provides:—

“.....

(3) Subject to regulation 8(1), on receipt of an objection the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt and the clerk to the buildings authority shall serve notice of the date, time and place of the meeting of the authority on the person objecting, on the applicant

and (if the master of works is not the person objecting) on the master of works:

Provided that where more than one objection is lodged under this regulation the application shall not be put out for hearing earlier than 7 days after the date of receipt of the later or latest objection.

- (4) If any person who has lodged an objection to the granting of an application appears before the buildings authority at a hearing of the application, the buildings authority may require that person to lodge a further statement of objections in writing in supplement of any statement already lodged, at the same time serving a copy of such further statement on the applicant and (if the person objecting is not the master of works) on the master of works.
- (5) Where at the hearing of an application any person who has lodged an objection under this regulation fails to attend, either in person or by a representative, the buildings authority may determine the application in his absence so, however, that they shall take into account any statement of the grounds of objection which has been lodged with the buildings authority and a copy of which has been served on the applicant.
- (6) Where the applicant fails to attend or be represented at the hearing of an application of which notice has been given under paragraph (3) of this regulation the application shall be continued for hearing at the next following meeting of the buildings authority, and notice of the date, time and place of the meeting shall be served by the clerk to the buildings authority on the persons mentioned in paragraph (3) of this regulation ; if the applicant fails then without good cause shown to attend or be represented the buildings authority may dismiss the application.

.....”

3. Regulation 8 of the said regulations provides that if during the period mentioned in paragraph 2 of this notice no objection is lodged or every objection so lodged has been withdrawn the buildings authority may grant the application at any meeting of the authority after the expiry of the said period, or after the date of withdrawal, notwithstanding that the applicant is not present or represented before them.

9. WARRANT TO ERECT, ALTER OR EXTEND A BUILDING BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of....., having considered the application by dated 19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the erection/alteration/extension* of a building at subject to the following conditions—

- (a) that the building shall be erected/altere/extended* in conformity with the plans [sections, elevations and drawings; specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto ;
- (b) that the building shall be erected/altere/extended* in accordance with the Building Standards (Scotland) Regulations 1963 ;
- [(c) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 are observed.]*

Dated this day of , 19 .

.....
Clerk to the [Dean of Guild Court as]* buildings authority

* Delete as appropriate.

Notes

(to be incorporated in the Warrant and any copies thereof)

1. A warrant granted by the buildings authority shall be valid only—
 - (a) for the period of three years from the date on which it is granted, or
 - (b) for such extended period or periods as may be approved by the buildings authority on application made to them at any time (regulation 9 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.
2. Any person carrying out operations in pursuance of a warrant granted under the Act shall give written notice to the clerk to the buildings authority—
 - (a) of the date on which work is commenced ;
 - (b) when any drain has been laid and is ready for test under regulation 142(6)(a) of the Building Standards (Scotland) Regulations 1963 ;
 - (c) when a drain track has been in-filled and the drain is ready for a second test in accordance with regulation 142(6)(b) of the said regulations, and
 - (d) of the date on which the operations are completed.

There is no need to give notice of the date on which operations are completed where application to the buildings authority for a certificate of completion has been made in the prescribed form. (See regulation 21 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.)

**10. WARRANT TO ERECT A BUILDING INTENDED TO HAVE A LIMITED LIFE
BUILDING (SCOTLAND) ACT 1959**

The [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of, having considered the application by dated 19, hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the erection of a building at, being a building intended to have a limited life of years, subject to the following conditions—

- (a) that the building shall be erected in conformity with the plans [sections, elevations and drawings, specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto ;
- (b) that the building shall be erected in accordance with the Buildings Standards (Scotland) Regulations 1963 ;
- [(c) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 are observed]* ;
- (d) on or before the expiration of the period of years from the date on which a certificate of completion is granted under section 9 of the above Act the building will be demolished.

Dated this day of, 19

.....
Clerk to the [Dean of Guild Court as]*
buildings authority

* Delete as appropriate.

Notes

(to be incorporated in the Warrant and any copies thereof)

- 1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 9.

11. WARRANT TO DEMOLISH A BUILDING
BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of, having considered the application by dated19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the demolition of a building at subject to the following condition—
that the demolition shall be completed within the period of.....
from the commencement of the operations for the demolition.

Dated this day of , 19 .

.....
Clerk to the [Dean of Guild Court as]*
buildings authority

* Delete as appropriate.

Notes

(to be incorporated in the Warrant and any copies thereof)

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 9.

12. WARRANT TO CHANGE THE USE OF A BUILDING
BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of, having considered the application by dated19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the change of use of [the building at] [part of the building at]* as specified in the plans lodged with the application from to

Dated this day of , 19 .

.....
Clerk to the [Dean of Guild Court as]*
buildings authority

* Delete as appropriate.

Note

(to be incorporated in the Warrant and any copies thereof)

The Note appended to this Form should be the same as Note 1 appended to Form 9.

13. MINOR WARRANT
BUILDING (SCOTLAND) ACT 1959

I,
Clerk to the [Dean of Guild Court, as] buildings authority *

Insert name of
Clerk or Master
of Works as the
case may be.

Master of Works

for the burgh/county/city* of, to whom the functions of the buildings authority for the burgh/county/city* under section 6 of the above Act in relation to the construction of a building of a minor character have been delegated under section 7 of that Act, having considered the application by dated 19 ,

hereby grant warrant under the said section 6 for the erection/alteration/extension* of a building at subject to the following conditions--

- (a) that the building shall be erected/altered/extended* in conformity with the plans [sections, elevations and drawings, specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto ;
- (b) that the building shall be erected/altered/extended* in accordance with the Buildings Standards (Scotland) Regulations 1963 ;
- [(c) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 are observed.]*

Dated this day of 19 .

Signature of [Clerk]
[Master of Works]*

* Delete as appropriate.

Notes

(to be incorporated in the Warrant and any copies thereof)

1/2. The Notes 1 and 2 appended to this Form should be the same as Notes 1 and 2 appended to Form 9.

**14. APPLICATION FOR EXTENSION OF PERIOD OF USE OF BUILDING
INTENDED TO HAVE A LIMITED LIFE
BUILDING (SCOTLAND) ACT 1959**

To the Dean of Guild Court, as buildings authority *
buildings authority for the county/city of

Insert here full name(s) and address(es) of applicant(s).

I/We

Insert here name and address of building.

considering that on the.....day of.....19 , there was granted a warrant for the erection of a building at.....

subject to a condition that the building would be demolished on or before the expiration of the period of.....from the date of granting the certificate of completion, and considering that the said period [was on the.....day of.....19 , extended for a further period of.....years and]* will unless extended terminate on the.....day of.....19 , hereby apply under section 6(5) of the Building (Scotland) Act 1959 for an extension of the said period by a further period of.....

Date of termination of period.

Insert here period of desired extension [see Note].

Signature of applicant or agent

Date

* Delete as appropriate

Note

(to be incorporated in the Application and any copies thereof)

Under section 6(5) of the Building (Scotland) Act 1959, no such extension may be granted for a period longer than five years, being the period specified in regulation 10 of the Building Standards (Scotland) Regulations 1963.

15. APPLICATION FOR AMENDMENT OF WARRANT
BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,
buildings authority for the county/city of

I/We

Insert here full name(s) and address(es) of applicant(s).

apply under section 6(7) of the Building (Scotland) Act 1959 for an amendment of the terms of the warrant granted by the [Dean of Guild Court.....as]* buildings authority on the..... day of..... 19 , for the erection/alteration/extension* of the building at..... in respect of the particulars detailed in the Schedule to this application and in conformity with the relative plans and specifications submitted herewith.

Insert here address of building or site.

Signature of applicant or agent

Date

* Delete as necessary.

SCHEDULE

PART I

The particulars in respect of which it is desired to amend the warrant referred to in the foregoing application are:—

.....

PART II

The particulars detailed in Part I of this Schedule necessitate the following changes in the Schedule to the application for warrant:—

.....

[Here state any particulars of application or particulars of construction—as set forth in the Schedule to Form 2—which are altered by the proposed amendment of warrant.]

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

16. SERVICE COPY OF APPLICATION FOR AMENDMENT OF WARRANT
BUILDING (SCOTLAND) ACT 1959

[On a copy of the application for amendment of Warrant as lodged by the applicant with the buildings authority (but excluding the Schedule to the application and certificate of service) there should be endorsed the following notice]

To as affected proprietor *
master of works

Insert here name and address of person on whom service is to be made.

1. You are hereby served with the foregoing application for amendment of Warrant, which is about to be lodged with the [Dean of Guild Court,as]* buildings authority for the burgh/county/city* of

State where plans and other relevant particulars may be examined.

2. The plans and other particulars relating to the application may be examined at

State name and address of Clerk to the buildings authority.

3. You may by statement in writing, lodged with or sent to..... as Clerk to the within 14 days from the object to the granting of an application and apply to be heard by the buildings authority.

Insert here date of making of application.

- 4. Any objection so made should state—
 - (a) the interest by reason of which you claim to be entitled to be heard in the application ;
 - (b) the grounds of objection on which you intend to rely ;
 - (c) the address at which documents may be served upon you.
- 5. A copy of any objection should be served on the applicant for amendment of Warrant [and on the Master of Works]*

Signature of applicant or agent.....

Insert address of applicant or agent and date.

.....19 .

* Delete as appropriate.

Notes

1 to 3. The Notes 1 to 3 appended to this Form should be the same as the Notes 1 to 3 appended to Form 8.

17. REFERENCE OF REFUSED APPLICATION FOR WARRANT FOR MINOR WORKS TO THE BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACT 1959

To the [Dean of Guild Courtas]* buildings authority for the burgh/county/city* of

I/We

Insert here full name(s) and address(es) of applicant(s).

.....
 having been notified by the
 Clerk to the [Dean of Guild Court.....as]* buildings authority .

Master of Works

for the said burgh/county/city* of that, in exercise of the powers delegated to him by the said buildings authority under section 7(1) of the Building (Scotland) Act 1959 he refuses to grant my application dated for Warrant for Minor Works in respect of the erection/alteration/extension* of the [proposed]* building at.....

Insert here address of building or site.

.....
 hereby require the said application for Warrant for Minor Works to be referred to and dealt with by the [Dean of Guild Court.....as]* buildings authority.

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

18. APPLICATION FOR PERMISSION TO OCCUPY PORTION OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority .
 buildings authority for the county/city of

I/We

Insert here full name(s) and address(es) of applicant(s).

.....
 apply for permission under section 8 of the Building (Scotland) Act 1959 to occupy temporarily, for the purpose of depositing materials or otherwise

in connection with operations for the construction/repair/maintenance/
demolition* of the [proposed]* building at

Insert here
address of
building or site.

the portion of shown in the plan produced
herewith:

Insert here
name of road
[see Note 1]
which must be
adjacent to the
building or site.
[See Note 2.]

and for authority under the said section 8 to erect staging or scaffolding
so as to project over the portion of the
..... shown on the said plan.

Insert here
name of road
[see Note 1]
which must be
adjacent to the
building or site.

Signature of applicant or agent.....

Date.....

Service of Copy of Application

I/We certify that a copy of this application has been duly served upon
the Master of Works.

[See Note 3.]

Signature of applicant or agent or other
person effecting this service.....

Date.....

Witness to service

* Delete as appropriate.

Notes for Guidance of Applicant

1. "Road" includes street and any pavement, footpath, drain, ditch or
verge at the side of a road or street (section 29(1) of the Building (Scotland)
Act 1959.)

2. The applicant must lodge or send with this application, a principal
and copy of a block plan to a scale of not less than 1 to 500 to show
the site of the building and the portion of the road proposed to be occupied.

3. Section 25(1) of the Building (Scotland) Act 1959 provides that the
provisions of section 349 of the Local Government (Scotland) Act 1947
shall apply to the service of any document required to be served under
that Act.

4. This Application may be combined with Applications for Warrant
(see Forms 2, 3, 4 and 6).

**19. SERVICE COPY OF APPLICATION FOR PERMISSION TO OCCUPY PORTION
OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS**

BUILDING (SCOTLAND) ACT 1959

[On a copy of the application for permission to occupy a portion of
the road as lodged by the applicant with the buildings authority there
should be endorsed the following notice]

To.....as Master of Works

Insert here
name and
address of
Master of
Works.

1. You are hereby served with the foregoing application for permission
to occupy portion of a road temporarily in connection with building
operations, which is about to be lodged with the [Dean of Guild Court
.....as]* buildings authority for the burgh/
county/city* of.....

State name and
address of clerk
to the buildings
authority.

2. You may by a statement, in writing, lodged with or sent to
..... as Clerk to the [Dean of Guild
Court as]* buildings authority within 14 days from the.....

Insert here date
of the making of
application.

object to the granting of an application and apply to be heard by the buildings authority.

- 3. Any objection so made should state the grounds of objection on which you intend to rely.
- 4. A copy of any objection should be served on the applicant for permission.

Insert address of applicant or agent and date:

Signature of applicant or agent.....
.....
.....

.....19.....

* Delete as appropriate.

Notes

1. Under regulation 11(3) of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 the provisions of regulations 4 to 8 and 10 thereof (which relate to applications for Warrant) apply, subject to any necessary modifications, to any other application to the buildings authority.

2 to 4. The Notes 2 to 4 appended to this Form should be the same as the Notes 1 to 3 appended to Form 8.

20. PERMISSION TO OCCUPY PORTION OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court.....as]* buildings authority for the burgh/county/city* of, having considered the application by.....dated....., hereby grants permission to occupy temporarily for the purpose of depositing materials or otherwise in connection with operations for the construction/repair/maintenance/demolition* of the [proposed]* building at.....that portion of the road adjoining the said building shown in the plan submitted with the said application [and for authority to erect staging or scaffolding so as to project over the portion of the road also shown on the said plan], but subject always to the following conditions:—

1. The permission hereby granted shall, unless extended by the buildings authority, expire at the termination of a period of six months from the date of commencement of the said operations.

Insert here any other condition imposed by the buildings authority.

*2.
.....

Clerk to the [Dean of Guild Court as]* buildings authority

* Delete as appropriate.

Note

Where an application for permission under section 8 of the Building (Scotland) Act 1959 has been incorporated in an application for warrant under that Act, this form of permission may be combined as appropriate with Form 9, 10 or 11.

21. APPLICATION FOR CERTIFICATE OF COMPLETION

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority * buildings authority for the county/city of

I/We Insert here full name(s) and address(es) of applicant(s).

apply under section 9 of the Building (Scotland) Act 1959 for a Certificate of Completion in respect of the works of erection/alteration/extension* of the building at..... Insert here address of building.

which works were—

completed on..... ; and carried out in accordance with the warrant granted on

..... Insert here date of warrant and of any amendment thereof. in conformity with the relative plans and specifications in accordance with the Building Standards Regulations [as modified by a direction given by the Secretary of State under section 4 of that Act on.....]*, [and I/We attach hereto a certificate granted by the person who installed the electrical installation certifying that the installation complies with the conditions on which the said warrant was granted.]*

Signature of applicant or agent..... Date.....

* Delete as appropriate.

22. CERTIFICATE OF COMPLETION

BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred upon them by section 9 of the Building (Scotland) Act 1959 the [Dean of Guild Court,....., as]* buildings authority for the burgh/county/city* of..... hereby certify that they are satisfied that the erection/alteration/extension* of the building at.....

..... Insert here address of building. has been completed in conformity with the warrant dated..... Insert date of warrant. (including the relevant plans and specifications) and in accordance with the Building Standards (Scotland) Regulations 1963 [as modified by a direction given by the Secretary of State under section 4 of that Act on.....]* Dated this.....day of.....19 .

..... Clerk to the [Dean of Guild Court as]* buildings authority*

..... Master of Works for the burgh/county/city*

* Delete as appropriate.

23. CERTIFICATE OF COMPLIANCE OF ELECTRICAL INSTALLATION

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority
buildings authority for the county/city of

Name and address of person granting certificate.

I

in accordance with the provisions of section 9(3) of the Building (Scotland) Act 1959 hereby certify that the electrical installation in the building at

Insert here address of building.

.....
has been completed by me/under my supervision* and to the best of my knowledge and belief complies with the relevant conditions of the Building Standards (Scotland) Regulations 1963 and of the warrant for the erection/alteration/extension* of the said building granted by the [Dean of Guild Court.....as]* buildings authority for the burgh/county/city* of
.....on.....

Dated this.....day of.....19 .

Signature.....

* Delete as appropriate.

Notes

(to be incorporated in the Certificate and any copies thereof)

Section 9(4) of the Building (Scotland) Act 1959 provides:—

“ If any person, for the purpose of procuring the grant of a certificate of completion, grants or produces under the last foregoing subsection a certificate which he knows to be false or misleading in a material particular, or recklessly grants or produces such a certificate which is false or misleading in a material particular, he shall be guilty of an offence against this Act.”

Section 19(2) of the said Act provides:—

“ Any person guilty of an offence against this Act,..... shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued ”.

24. APPLICATION FOR AUTHORISATION OF TEMPORARY OCCUPATION/USE*

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority
buildings authority for the county/city of

Insert here full name(s) and address(es) of applicant(s).

I/We

.....
having been granted a warrant, dated the.....
day of.....19 , under section 6 of the Building (Scotland) Act 1959 to erect/alter/extend* the building at.....

Insert here address of building.

.....
hereby request permission under section 9(6) of the Building (Scotland)

Act 1959 for the [extension of the permission granted on.....]*
for the said building to be temporarily occupied/used* before a certificate
of completion has been issued, for the following reasons—

.....
.....
.....

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

25. AUTHORISATION OF TEMPORARY OCCUPATION/USE*

BUILDING (SCOTLAND) ACT 1959

To

Insert here
full name(s)
and address(es)
of applicant(s).

The [Dean of Guild Court,as]* buildings authority for the
burgh/county/city* of..... having received application
for permission for/the extension of* the temporary occupation/use* of
the building at
[which occupation/use* was authorised on.....]
in exercise of their powers under section 9(6) of the Building (Scotland)
Act 1959, hereby grant/refuse/extend* permission for such occupation/use*
for the period ending on the day of.....19 .

Insert here
address of
building.

Dated this day of 19 .

.....
Clerk to the [Dean of Guild Court as]
buildings authority *
Master of Works

* Delete as appropriate.

26. REFERENCE OF REFUSED APPLICATION FOR CERTIFICATE OF COMPLETION
TO THE BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority. *
buildings authority for the county/city of

I/We

Insert here
full name(s)
and address(es)
of applicant(s).

.....
.....
.....
having been notified by the Clerk to the [Dean of Guild Court,
as]* buildings authority/Master of Works* on that,
in exercise of the powers delegated to him by the said buildings authority
under section 9(7) of the Building (Scotland) Act 1959, he refuses to grant
my application dated
for a Certificate of Completion in respect of the erection/alteration/
extension* of the building at

Insert here
address of
building.

hereby require the said application to be referred to and dealt with by the [Dean of Guild Court as]* buildings authority.

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

27. NOTICE UNDER SECTION 10 TO SHOW CAUSE WHY OPERATIONS SHOULD NOT BE EXECUTED

BUILDING (SCOTLAND) ACT 1959

Insert here full name(s) and address(es).

To

Insert here address of building.

Whereas it appears to me that the building at..... being a building of a class to which the Building Standards (Scotland) Regulations 1963 apply—

[has been or is being constructed without a warrant in respect of the construction having been obtained]*

[has been or is being constructed in contravention of the conditions on which the warrant for its construction was obtained]*

[remains in existence after the expiration of the period limited for it by the conditions on which the warrant for its construction was obtained]* ;

And Whereas you are—

[the person by whom the building has been or is being constructed]*

[the person on whose behalf the building has been or is being constructed]*

[in the circumstances set out in section 10(1)(ii) of the Building (Scotland) Act 1959, the person entitled to the interest of..... in the said building]*

Insert here period of not less than 21 days.

Now Therefore in exercise of the powers conferred on me by section 10(1) of the Building (Scotland) Act 1959 I hereby require you within a period of days ending on the..... day of....., 19.....—

[(a)] to show cause to the [Dean of Guild Court....., as]* buildings authority for the burgh/county/city* of..... why you should not be required to execute the operations specified in the Schedule hereto, being operations [for the removal of the said building]* [necessary to make the said building conform to the said Building Standards (Scotland) Regulations 1963]*

[and (b) to cause the work on the said building to be suspended until the matters raised in this Notice have been determined, or until the expiration of the period of one month from the date of service of this Notice, whichever first occurs]*

Dated this..... day of..... 19...

Master of Works for the burgh/county/city* of.....

* Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Notice are:—

.....
.....
.....

Notes

(to be incorporated in the Notice and any copies thereof)

1. Section 10 of the Building (Scotland) Act 1959 provides:—

“(1) . . . if the person upon whom the notice has been served fails to show cause as aforesaid to the satisfaction of the buildings authority they may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.

(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection from any person, if that person is the owner of the building.
.....”

2. Paragraph 1 of Schedule 6 to the Building (Scotland) Act 1959 provides:—

“Where under sections ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works the local authority may make in favour of themselves an order (in this Schedule referred to as a ‘charging order’) providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.”

28. ORDER UNDER SECTION 10 REQUIRING EXECUTION OF OPERATIONS ON A BUILDING

BUILDING (SCOTLAND) ACT 1959

To

Insert here full name(s) and address(es) of owner(s) of building.

Whereas on the day of 19 , the Master of Works for the burgh/county/city* of served notice on you under section 10(1) of the Building (Scotland) Act 1959, as

Insert here in respect of the building at
address of
building.

And Whereas the said notice required you to show cause within the period ending on the day of 19 , why you should not be required to execute the operations specified therein, being operations [for the removal of the said building]* [necessary to make the said building conform to the Building Standards (Scotland) Regulations 1963]* ;

And Whereas you have failed to show cause as aforesaid within the said period to the satisfaction of the said [Dean of Guild Court as]* buildings authority ;

Insert here period of not less than 28 days.

Now Therefore the said [Dean of Guild Court as]* buildings authority in exercise of the powers conferred upon them by section 10(1) of the said Act hereby order you to execute the operations specified in the Schedule hereto, being [operations for the same purpose as]* the operations aforesaid, within a period of days from the date on which this Order becomes operative under section 16(4) of the said Act.

Dated this day of 19 .

.....
Clerk to the [Dean of Guild Court as]*
buildings authority.

* Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Order are :—

.....
.....

Notes

(to be incorporated in the Order and any copies thereof)

1. Section 16 of the Building (Scotland) Act 1959 provides:—

“ (1) Any person aggrieved by—

(d) any order made by a buildings authority under subsection (1) of section ten of this Act requiring the execution of operations,
.....

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the making of the order, as the case may be.
.....

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.
.....”

2. Section 10 of the said Act of 1959 provides:—

“
(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection the person against whom the order has been made has not

complied therewith, he shall be guilty of an offence against this Act, and the buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection from any person, if that person is the owner of the building.

....."

3. Paragraph 1 of Schedule 6 to the said Act of 1959 provides:—

"Where under sections ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works the local authority may make in favour of themselves an order (in this Schedule referred to as a 'charging order') providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses."

4. Section 17 of the said Act of 1959 provides:—

"(1) The provisions of this section shall have effect where a person is required by any order or notice under section ten, eleven or thirteen of this Act (in this section referred to as a 'requirement') to demolish, or carry out operations in relation to, a building.

.....

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section ten, eleven or thirteen, the local authority seek to recover from the person any expenses incurred by them in carrying out operations in relation to the building, then, if the person proves—

- (a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section ten, eleven or thirteen, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

(5) In the case of a requirement being an order under the said section ten, or the said section eleven, it shall be a defence to any complaint charging the person with failure to comply with the requirement to prove that at the date of the making of the requirement—

- (a) the person had no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) the amount of the funds, rents and other assets in his possession in that capacity was less than the amount of the expenses which would have been incurred if the requirement had been complied with.

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

5. Section 19(2) of the said Act of 1959 provides :—

“ Any person guilty of an offence against this Act, shall be liable on summary conviction to a fine not exceeding one hundred pounds ; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.”

29. NOTICE UNDER SECTION 11 REQUIRING OWNER TO SHOW CAUSE WHY BUILDING SHOULD NOT CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

To

Insert here full name(s) and address(es) of owner(s) of building.

Insert here address of building.

Whereas the building at owned by you, being a building of a class to which the Building Standards (Scotland) Regulations 1963 apply, does not conform to the provision(s) of the said Regulations specified in the Schedule hereto ;

Insert here name of local authority.

And Whereas the of as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of..... consider that the said building ought, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent it and the safety of the public generally, to be made to conform to the said provision(s) ;

And Whereas the said local authority are satisfied that it is reasonably practicable to make the said building conform to the said provision(s) ;

Insert here period of not less than 28 days.

Now Therefore in exercise of the powers conferred upon them by section 11(2) of the Building (Scotland) Act 1959, the said local authority hereby require you, within a period of days ending on the day of 19 to show cause why the said building should not conform to the said provision(s).

Dated this day of..... 19.....

(Signature)

Clerk to the local authority.

SCHEDULE

The provision(s) in respect of which the said building does not conform to the Building Standards (Scotland) Regulations 1963 is/are*.....

.....
.....
.....

* Delete as appropriate.

Note

(to be incorporated in the Notice and any copies thereof)

Section 11 of the Building (Scotland) Act 1959 provides—

“(1) The following provisions of this section shall have effect in relation to a building in the area of a local authority, being a building of a class to which the building standards regulations apply, where—

- (a) the building does not conform to a provision of the building standards regulations ;
- (b) the local authority consider that the building ought, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent it and the safety of the public generally, to be made to conform to that provision ; and
- (c) it is reasonably practicable to make the building conform to that provision.

(2) The local authority may serve on the owner of the building a notice specifying the provision to which they consider that the building ought to conform (in this section referred to as ‘the specified provision’) and requiring the owner within such period as may be specified in the notice, being a period of not less than twenty-eight days from the service of the notice, to show cause why the building should not conform to the specified provision.

(3) If within the period specified in the notice mentioned in the last foregoing subsection the owner of the building applies to the Secretary of State for a direction under section four of this Act in respect of the building and notifies the local authority that he has done so, the said period shall be deemed to be extended so as to expire at the end of the period of twenty-eight days from the date of the giving of the direction or, as the case may be, the refusal to give a direction ; and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is modified by any such direction, be construed as a reference to the specified provision as so modified.

(4) If within the period specified in the notice mentioned in subsection (2) of this section (or, in a case falling within the last foregoing subsection, that period as extended by virtue of that subsection) the owner fails to show cause to the satisfaction of the local authority why the building should not be made to conform to the specified provision, the local authority may order the owner to make the building conform to the specified provision within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative.

.....
(9) In this section ‘reasonably practicable’ means reasonably practicable having regard to all the circumstances, including the expense involved in executing the operations necessary to make the building conform to the specified provision.”

30. ORDER UNDER SECTION 11 TO MAKE BUILDING CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

To

Insert here full name(s) and address(es) of owner(s) of building.

Whereas on the day of 19 , the of, as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of, served notice

Insert here name of local authority.

on you, under section 11(2) of the said Act, as owner(s) of the building at

Insert here address of building.

Insert here date on notice.

And Whereas the said notice required you to show cause, within the period ending on the day of 19... why the said building should not be made to conform to the provision(s) of the Building Standards (Scotland) Regulations 1963, specified in the Schedule hereto ;

And Whereas you have failed to show cause as aforesaid within the said period [as extended under section 11(3) of the said Act]* to the satisfaction of the said local authority ;

Insert here period of not less than 28 days.

Now Therefore the said local authority in exercise of the powers conferred upon them by section 11(4) of the said Act, hereby Order you to make the said building conform to the provision(s) of the said Regulations specified in the Schedule hereto, within a period of days from the date on which the Order becomes operative under section 16(4) of the said Act.

Dated this day of 19...

..... Clerk to the local authority.

*Delete as appropriate.

SCHEDULE

The provision(s) referred to in the foregoing Order is/are:—

.....

Notes

(to be incorporated in the Order and any copies thereof)

1. Section 11 of the Building (Scotland) Act 1959 provides—

“.....

(5) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the last foregoing subsection the owner of the building has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may themselves execute the operations necessary to make the building conform to the specified provision ; and any expenses thereby incurred by them shall be recoverable from the owner of the building as a debt.

(6) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection.

(7) No notice served under this section shall specify any provision of the building standards regulations which is described in the regulations as not being subject to specification in such a notice.

(8) An order under subsection (4) of this section shall not become operative—

(a) except in accordance with subsection (4) of section sixteen of this Act ;

(b) before the disposal of any application for a warrant in respect of the operations which are the subject of the order, including the disposal of any appeal under section sixteen of this Act against a decision of the buildings authority refusing to grant a warrant.

2. Section 16 of the said Act of 1959 provides—

(1) " Any person aggrieved by—

(e) any order under section eleven of this Act by a local authority requiring a building to be made to conform to any provision of the building standards regulations,

may appeal to the Sheriff by giving notice of appeal within twenty-one days after the date ofthe making of the order.....

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.

3/5. The Notes 3 to 5 appended to this Form should be the same as the Notes 3 to 5 appended to Form 28.

31. NOTICE REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING BUILDING (SCOTLAND) ACT 1959

To Insert here full name(s) and address(es) of owner(s) of building.

Whereas it appears to me that the building at..... Insert here address of building.

is dangerous to persons inhabiting or frequenting it or adjacent buildings or places, or to the public generally ;

Now Therefore in exercise of the powers conferred on me by section 13(1)(c) of the Building (Scotland) Act 1959, I hereby require you as owner(s) of the said building to—

(a) begin within a period of seven days from the service of this notice, and

(b) complete to my satisfaction within the period ending on the..... day of 19... Insert here period of not less than 21 days from expiry of period mentioned in paragraph (a).

the operations specified in the Schedule hereto being operations for the repair, securing or demolition of the building which are in my opinion necessary to remove the danger aforesaid.

Dated this day of 19...

..... Master of Works for the burgh/county/city* of.....

*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing notice are:—

.....
.....
.....

Note

(to be incorporated in the Notice and any copies thereof)

Section 13(2) of the Building (Scotland) Act 1959 provides—

“ If on the expiration of the period of seven days referred to in paragraph (c) of the foregoing subsection the owner of the building has not begun, or if on the expiration of the period of not less than twenty-one days so referred to he has not completed, the operations required by a notice given under that paragraph the master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with.”

32. APPLICATION BY MASTER OF WORKS FOR ORDER REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,*
buildings authority for the county/city of

Insert here full name(s) and address(es) of owner(s) of building.

1. I hereby apply for an Order under section 13(2) of the Building (Scotland) Act 1959 requiring

Insert here address of building.

.....
.....

as owner(s) of the building at.....
.....

to execute within such period as the [Court as]* buildings authority may think fit, the operations specified in the Schedule hereto, being operations for the repair, securing or demolition of the said building.

2. The said building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally.

3. On the day of, 19..., I served on the persons named in the Docquet of Service attached to this Application a notice under section 13(1)(c) of the said Act requiring the said operations to be—

(a) begun within a period of seven days from the said date of service, and

(b) completed to my satisfaction within a period ending on the day of, 19...

4. The said owner(s) has/have not begun/completed* the said operations [to my satisfaction]* within the said period.

Dated this day of, 19...

.....
Master of Works for the burgh/
county/city* of.....

*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing application which have not been completed/begun* are:—

- 1.
- 2.
- 3.

*Delete as appropriate.

CERTIFICATE OF SERVICE OF COPIES OF APPLICATION

I certify that on the day of 19... a service copy of this Application was duly served on each of the following persons—

Name Address

.....

.....

Signature of Master of Works or other person effecting the service

Witness to Service

33. SERVICE COPY OF APPLICATION BY MASTER OF WORKS FOR ORDER REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACT 1959

[On a copy of an application by the Master of Works as lodged with the buildings authority there should be endorsed the following notice.]

To. Insert here full name and address of person on whom service is made.

.....

.....

1. You are hereby served with the foregoing application for an order requiring operations to be executed on a building at Insert here address of building.

..... which application is about to be lodged with the [Dean of Guild Court, as]* buildings authority for the burgh/county/city* of

2. You may by a statement in writing, lodged with or sent to State name and address of Clerk to the Buildings Authority.

..... as Clerk to the

within 7 days from the object to the granting of the application. Insert here date of making the application.

3. Any objection so made should state—

- (a) the interest by reason of which you claim to be entitled to be heard in the application, and
- (b) the grounds of objection on which you intend to rely, and
- (c) an address at which documents may be served upon you.

4. A copy of any objection should be served on the master of works and, where you are not the owner, on the owner.

.....

Master of Works
for the burgh/county/city*

of

.....19

*Delete as appropriate

SCHEDULE

The operations referred to in the foregoing application, which have not been completed/begun* are:—

- 1.
- 2.
- 3.

*Delete as appropriate

Notes

(to be incorporated in every service copy of the Application)

1. Section 13(2) of the Building (Scotland) Act 1959 provides:—

“ If on the expiration of the period of seven days referred to in paragraph (c) of the foregoing subsection the owner of the building has not begun, or if on the expiration of the period of not less than twenty-one days so referred to he has not completed, the operations required by a notice given under that paragraph the master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with.”

2. Regulation 13 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 provides as follows:—

“ Orders relating to dangerous buildings

13.—(1) The master of works shall, before lodging with the clerk to the buildings authority any application for an order under section 13(2) of the Act, serve a service copy of the application on—

- (a) the owner of the building, and
- (b) each of the other affected proprietors, and
- (c) any other person appearing to the master of works to have an interest.

(2) At any time before the expiry of a period of 7 days after the date of lodging of the application any person on whom a service copy of the application has been served may by a statement in writing, lodged with the clerk to the buildings authority, object to the granting of the application and apply to be heard by the buildings authority (which statement is hereafter in this regulation referred to as an “objection”).

(3) Any objection shall state—

- (a) the interest by reason of which the person objecting claims to be entitled to be heard in the application, and
- (b) the grounds of objection on which he intends to rely, and
- (c) an address at which documents may be served upon him,

and a copy of the objection shall be served by the person making the objection on the master of works and, where the objector is not the owner, on the owner:

Provided that the buildings authority may, if they think fit, hear any person who has applied to be heard under this regulation notwithstanding he has not complied with this paragraph.

(4) (a) On receipt of an objection lodged under paragraph (2) of this regulation, or

(b) if no such objection has been lodged, on the expiry of the period of 7 days mentioned in the said paragraph (2),

the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt or expiry as

the case may be, and the clerk to the buildings authority shall give notice of the date, time and place of the meeting of the authority to the owner, the master of works and any other person appearing to the authority to have an interest.

(5) Where the owner or any other person fails to attend or be represented at a hearing of which he has had notice under paragraph (4) of this regulation, the buildings authority may determine the application in his absence, so, however, that they shall take into account any objection lodged by him under paragraph (2) of this regulation or otherwise."

34. ORDER UNDER SECTION 13 REQUIRING OWNER TO EXECUTE OPERATIONS ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACT 1959

Whereas the [Dean of Guild Court.....], as]* buildings authority for the burgh/county/city* of have considered an application by the Master of Works for the said burgh/county/city* dated....., 19....., for an order under section 13(2) of the Building (Scotland) Act 1959 requiring.....

Insert here full name(s) and address(es) of the owner(s).

the owner(s) of the building at.....

Insert here address of building.

to execute the operations specified in the application being operations necessary in the opinion of the Master of Works to remove danger ;

And Whereas the said [Dean of Guild Court....., as]* buildings authority, having given the said owner(s) and the Master of Works and any other person appearing to them to have an interest an opportunity to be heard, consider that the said Order should be granted [subject to the following modifications:]

Now Therefore the said [Dean of Guild Court....., as]* buildings authority in exercise of the powers conferred on them by the said section 13(2) hereby require the said owner(s) to execute on the said building the operations specified in the Schedule hereto, within a period of.....from the date on which this Order becomes operative under section 16(4) of the said Act.

Insert here period within which Order is to be complied with.

Dated this.....day of.....19.....

.....
Clerk to the [Dean of Guild Court as]* buildings authority.
* Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Order are:—

Notes

(to be incorporated in the Order and any copies thereof)

1. Section 16 of the Building (Scotland) Act 1959 provides—

“(1) Any person aggrieved by—

.....

(f) any order of a buildings authority under subsection (2) of section thirteen of this Act requiring the execution of operations

.....

may appeal to the sheriff by giving notice of appeal within twenty-one days after the making of the order,

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.

.....”

2. Section 13 of the said Act of 1959 provides—

“.....

(3) An order under the foregoing subsection shall become operative only in accordance with subsection (4) of section sixteen of this Act.

(4) If an order granted by a buildings authority under subsection (2) of this section is not duly complied with the buildings authority may authorise the local authority to execute the operations which the owner has failed to execute or to demolish the building; and the local authority shall thereupon be entitled to act accordingly.

(5) Any expenses incurred by a local authority or a master of works in executing their or his functions under this section in respect of any building, shall, subject to the provisions of section seventeen of this Act, be recoverable by the local authority from the owner of the building as a debt; and the provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under this section.

.....”

3. Paragraph 1 of Schedule 6 to the said Act of 1959 provides—

“Where under section ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works the local authority may make in favour of themselves an order (in this Schedule referred to as a ‘charging order’) providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.”

4. Section 17 of the said Act of 1959 provides—

“(1) The provisions of this section shall have effect where a person is required by any order or notice under section ten, eleven or thirteen of this Act (in this section referred to as a ‘requirement’) to demolish, or carry out operations in relation to, a building.

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section ten, eleven or thirteen, the local authority seek to recover from the person any expenses incurred by them in carrying out operations in relation to the building, then, if the person proves—

(a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and

(b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands, in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section ten, eleven or thirteen, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

35. AUTHORITY TO ENTER PREMISES
BUILDING (SCOTLAND) ACT 1959
(SECTION 18(1))

In exercise of the powers conferred on the [master of works] [(Dean of Guild Court, as)* buildings authority]* for the burgh/county/city* of by section 18(1) of the Building (Scotland) Act 1959

Insert here full name, designation and address of person authorised to enter premises.

..... is hereby authorised to enter any premises at all reasonable times for the purpose of—

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section 4, or warrants under section 6, of the said Act have been made ;
- (b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph ;
- (c) inspecting any buildings as to which the master of works has reasonable cause to believe that a change of use is proposed or has taken place ;
- (d) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally, or
- (e) executing any operations authorised by section 13(1)(b) of the said Act.

Dated this day of 19...

.....
Clerk to the [Dean of Guild Court,
....., as] buildings authority

Master of Works

* Delete as appropriate.

Notes

(to be incorporated in the Authority and any copies thereof)

1. Section 18 of the Building (Scotland) Act 1959 provides:—

“(1) Subject to the provisions of subsection (3) of this section the master of works, or any person authorised in writing by him or by the buildings authority on exhibiting his authority if requested to do so, may at all reasonable times enter any premises for the purpose of—

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section four, or warrants under section six, of this Act have been made ;
- (b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph ;
- (c) inspecting any buildings as to which the master of works has reasonable cause to believe that a change of use is proposed or has taken place ;
- (d) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally ; or
- (e) executing any operations authorised by paragraph (b) of subsection (1) of section thirteen of this Act ;

and may execute any of the said purposes.

(2) The foregoing subsection shall, subject as aforesaid, apply, as it applies to persons authorised as mentioned in that subsection for the purposes so mentioned, to any person authorised in writing by a local authority for the purpose of—

- (a) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section eleven of this Act ; or
- (b) executing any operations authorised under section ten, section eleven or section thirteen of this Act to be executed by the local authority.

(3) No person shall be entitled to enter any premises by virtue of subsection (1) of this section for the purposes specified in paragraph (c) thereof, or by virtue of subsection (2) of this section, unless he has given three days' notice of his intention to do so to the occupier, and (unless the owner is unknown) also to the owner, of the premises.

.....

(5) A person entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

.....

(7) A person who wilfully obstructs any person acting in the execution of any of the purposes mentioned in subsection (1) or subsection (2) of this section shall be guilty of an offence against this Act.

(8) If any person who, by virtue of the provisions of this section, or of a warrant issued thereunder, enters a factory or work-place, discloses to any other person any information obtained by him in the factory or work-place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this Act.

(9) In this section any reference to premises includes a reference to sites and buildings, and any reference to a justice of the peace includes a reference to the sheriff.

.....”

2. Section 19 of the Building (Scotland) Act 1959 provides—

“(1) Any person guilty of an offence under subsection (7) of section eighteen or subsection (3) of section twenty-five of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) Any person guilty of an offence against this Act, except as specified in the foregoing subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.”

36. AUTHORITY TO ENTER PREMISES

BUILDING (SCOTLAND) ACT 1959
(SECTION 18(2))

In exercise of the powers conferred on the local authority for the burgh/county/city* of..... by section 18(2) of the Building (Scotland) Act 1959.....

Insert here full name, designation and address of person authorised to enter premises.

..... is hereby authorised to enter any premises, at all reasonable times, for the purpose of—

- (a) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section 11 of the said Act, or
- (b) executing any operations authorised under section 10, section 11 or section 13 of the said Act to be executed by the local authority.

Dated this day of 19.....

.....
Clerk to the local authority

* Delete as appropriate.

Notes

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 35.

37. NOTICE OF INTENTION TO ENTER PREMISES

BUILDING (SCOTLAND) ACT 1959

To.....
.....
the owner/occupier* of the premises at.....

Insert here full name and address of owner/occupier of premises.

I, being a person duly authorised under and in terms of section 18 of the Building (Scotland) Act 1959 to enter any premises for the purposes therein stated hereby give notice in accordance with the provisions of section 18(3) of the said Act, that I intend to enter the premises at.....

Insert here address of premises.

on or after the..... day of.....

Insert here address of premises.

.....19....., for the purpose of.....

Insert here date.

Insert here purpose(s) for which entry is required.

..... which purpose is authorised by [section 18(1)(c)]* [section 18(2)]* of the Building (Scotland) Act 1959. Dated this day of 19.....

(Signed)..... (Designation)

Official address.....

* Delete as appropriate.

Notes

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 35.

38. CHARGING ORDER

BUILDING (SCOTLAND) ACT 1959

Insert here name of local authority.

The.....of....., the local authority under the Building (Scotland) Act 1959, in exercise of the powers conferred upon them by Schedule 6 to the Building (Scotland) Act 1959, do hereby provide and declare that the subjects described in the Schedule hereto are hereby charged and burdened with payment to the said of an annuity of

Insert here name of local authority.

Insert here in words the amount of the annuity.

.....Sterling, payable on theday of....., in the year....., and in every year for the term of thirty years from the date of this Order.

Insert here the date one year from the date of the Order.

Insert here name of local authority.

†The Order should be signed in the manner in which the local authority's deeds are normally executed.

†Signed on behalf of the said.....this day of.....19.....

Clerk to the local authority.

SCHEDULE

*Description of subjects should preferably include a reference to a recorded title.

Table with 3 columns: *Description of Subjects, Name and Designation of Owner, County

39. NOTICE TO REMOVE FROM DANGEROUS BUILDING OR BUILDING ADJACENT THERETO

BUILDING (SCOTLAND) ACT 1959

To
.....
.....

Insert here name and address of occupant required to remove.

Whereas it appears to me,
master of works for the burgh/county/city* of

..... that the building
at is
dangerous to persons inhabiting or frequenting it or adjacent buildings or
places, or to the public generally ;

Insert here address of building.

Now Therefore in exercise of the powers conferred on me by section 13
of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby require
you, the occupant of [the building at
adjacent to]* the said building, to remove from [the said building at
.....adjacent to]*
the said dangerous building at
with all other members of your household residing therein, within.....
..... from the date hereof.

Insert here address(es) of building(s).

Insert here period within which occupant is to remove.

Dated thisday of19.....

Master of Works.

* Delete as appropriate.

Notes

1. Section 13 of the Building (Scotland) Act 1959 provides—

“(1) If it appears to the master of works that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally he shall forthwith—

(a) require any occupants of the building in question, and of any adjacent building, being persons whom he considers to be endangered by the state of the building in question, to remove immediately from those buildings

(6) The provisions of the Seventh Schedule to this Act shall have effect for the purposes of securing the removal—

(a) from a building, of any occupant who, on being required under paragraph (a) of subsection (1) of this section to remove from the building in the circumstances mentioned in that subsection, fails to do so ; and

(b) from a building which is the subject of an order under this section requiring it to be demolished, or the occupants thereof.”

2. Schedule 7 to the Building (Scotland) Act 1959 provides—

“1. For the purpose of securing the removal of any occupants from a building in the circumstances referred to in subsection (6) of section thirteen of this Act, the master of works shall give written notice to the occupants requiring them to remove from the building within such period as may be specified in the notice.

2. On the expiry of the period so specified the master of works may make a summary application to the sheriff for a warrant for the ejection of any such occupants who have not removed from the building or any part thereof, and the sheriff, after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the master of works bearing that the building is a source of immediate danger, or that an order has been made under section thirteen of this Act requiring the building to be demolished, shall grant warrant for ejection within such period, not being more than seven days from the date of presentation of the said application or, in the case where the sheriff has required additional notice, seven days from the date of service of that additional notice.

.....”

40. CERTIFICATE THAT BUILDING IS A SOURCE OF IMMEDIATE DANGER
BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred on me by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby certify that—

Insert here address of building.

(a) the building at
is a source of immediate danger ;

(b) notice conform to paragraph 1 of Schedule 7 to the said Act has been served on

Insert here address(es) of adjacent building(s).

.....
being all the known occupants of the said building [and of.....
the building(s) adjacent to the said building].

Dated this day of 19.....

.....
Master of Works for the burgh/county/
city* of

* Delete as appropriate.

41. CERTIFICATE THAT ORDER HAS BEEN MADE UNDER SECTION 13
REQUIRING BUILDING TO BE DEMOLISHED

BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred on me by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby certify that—

Insert here address of building.

(a) an Order was made by the [Dean of Guild Court,
.....as]* buildings authority for the burgh/county/
city* of, on the day
of 19....., under section 13(2) of the
Building (Scotland) Act 1959 requiring the building at
to be demolished ;

(b) notice conform to paragraph 1 of Schedule 7 to the said Act has
 been served on

 being all the known occupants of the said building.

Dated this day of 19.....

.....
 Master of Works for the burgh/county/
 city* of

* Delete as appropriate.

EXPLANATORY NOTE

*(This Note is not part of the regulations, but is intended to indicate
 their general purport.)*

These regulations prescribe the forms in which Applications,
 Warrants, Notices, Orders and other documents should be made under
 the provisions of the Building (Scotland) Act 1959.

1964 No. 712 (S. 43)

BUILDING AND BUILDINGS

**The Building (Scotland) Act 1959 (Procedure)
Regulations 1964**

<i>Made - - - -</i>	14th May 1964
<i>Laid before Parliament</i>	26th May 1964
<i>Coming into Operation</i>	15th June 1964

ARRANGEMENT OF REGULATIONS

GENERAL

Regulation

1. Citation and commencement.
2. Interpretation.
3. Minor works.

APPLICATION FOR WARRANT

4. Making application for warrant or amendment of warrant.
5. Plans lodged with application.
6. Service of application.
7. Opposed applications for warrant.
8. Unopposed applications.
9. Duration of warrant.
10. Conjoined proceedings.

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11. Other applications.

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12. Orders in relation to buildings constructed without warrant or in contravention of conditions of warrant.
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GENERAL PROCEDURE

14. Meetings of the buildings authority.
15. Procedure at hearing.
16. Assessors.
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18. Decisions of buildings authority.
19. Maintenance of records.
20. Inspection of records and applications.
21. Notices to buildings authority.
22. Relaxation of Building Standards Regulations.
23. Failure to comply with regulations.

FEES*Regulation***24. Scale of Fees.****SCHEDULE 1**

Plans to be submitted with application for warrant.

SCHEDULE 2

Scale of fees.

In exercise of the powers conferred on me by sections 2, 4, 6, 7, 9, 20 and 24 of, and Schedule 3 to, the Building (Scotland) Act 1959(a) and of all other powers enabling me in that behalf I hereby make the following regulations—

GENERAL*Citation and Commencement*

1. These regulations, which may be cited as the Building (Scotland) Act 1959 (Procedure) Regulations 1964, shall come into operation on 15th June 1964.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively—

“the Act” means the Building (Scotland) Act 1959;

“affected proprietor” has the meaning assigned to it by regulation 6;

“application for warrant” includes an application for warrant for minor works;

“building” has the meaning assigned to it by section 29 of the Act;

“buildings authority” has the meaning assigned to it by section 1 of the Act, and in relation to any function of the buildings authority which has been delegated to a committee, includes that committee;

“Building Standards Regulations” means the Building Standards (Scotland) Regulations 1963(b);

“change of use” in relation to a building means such change in the use or occupation of the building as will bring it within a class of building to which the Building Standards Regulations apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of the Building Standards Regulations apply;

“certificate of completion” has the meaning assigned to it by section 9 of the Act;

“master of works” means a master of works appointed under section 21 of the Act and, in relation to any building, means the master of works so appointed for the burgh or, as the case may be, the landward area of the county, in which the building is, or will be, situated;

“minor works” means such construction of buildings as is prescribed under regulation 3;

“owner” in relation to any land or building includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking;

“ plan ” includes section, elevation and drawing and any specification or other written or figured statement submitted to the buildings authority as relative to a plan, section, elevation or drawing ;

“ prescribed form ” means a form prescribed by the Building (Forms) (Scotland) Regulations 1964(a) ;

“ service copy ” in relation to an application to the buildings authority means a copy of the application in the prescribed form for service on an affected proprietor ;

“ site ” in relation to a building, means the area of ground covered or to be covered by the building, including its foundations ;

“ warrant ” means a warrant under section 6 of the Act.

(2) Any reference in these regulations to a regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to a regulation of, or a Schedule to, these regulations.

(3) Any reference in these regulations to an application or statement being lodged with the clerk to the buildings authority shall be taken to include a reference to the sending of the application or statement to the clerk by post.

(4) Any reference in these regulations to the provisions of any other regulation shall, unless the context otherwise requires, be construed as a reference to such provisions as amended, applied or extended by or under any other regulations including these regulations.

(5) Any provision in these regulations requiring service of an application on an owner of land or buildings as an affected proprietor shall be deemed to have been complied with if the application is served on all the persons appearing from the valuation roll or otherwise known to the applicant to be an owner of the land or buildings.

(6) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Minor works

3.—(1) For the purposes of section 7 of the Act (which makes special provision in relation to such construction of buildings as may be prescribed, being construction of a minor character) there is prescribed any construction—

(a) the cubic capacity of which does not, in the case of the erection or extension of a building, exceed 4,000 cubic feet, and

(b) the estimated cost of which does not, in any case, exceed £500.

(2) The reference in the last foregoing paragraph to a cubic capacity shall be taken to be a reference to a cubic capacity calculated or measured in accordance with the provisions of Schedule 1 to the Building Standards Regulations.

APPLICATION FOR WARRANT

Making application for warrant or amendment of warrant

4.—(1) Application for warrant shall be made by lodging with the clerk to the buildings authority—

(a) an application in writing in the prescribed form signed by the applicant or his duly authorised agent, and

- (b) the principal and a copy of each of the plans specified—
- (i) in the case of a warrant to erect a building, in Part I of Schedule 1 ;
 - (ii) in the case of a warrant to alter a building, in Part II of Schedule 1 ;
 - (iii) in the case of a warrant for the extension of a building, in Part III of Schedule 1 ;
 - (iv) in the case of a warrant for the change of use of a building, in Part IV of Schedule 1, and
 - (v) in the case of a warrant to demolish a building, in Part V of Schedule 1, and
- (c) where any direction has been given by the Secretary of State under section 4 of the Act in relation to the building which is the subject of the application, a certified copy of the direction.

(2) Application for the amendment of a warrant shall be made by lodging with the clerk to the buildings authority—

- (a) an application in writing in the prescribed form signed by the applicant or his duly authorised agent ;
- (b) the principal and a copy of each of the plans specified in Part VI of Schedule 1 :

Provided that nothing in this paragraph shall require the submission of plans, if the buildings authority are satisfied that the nature of the proposed amendment is sufficiently apparent from the application for amendment as read along with the warrant proposed to be amended.

(3) The applicant shall, if required by the buildings authority at any stage in the proceedings, submit to the authority—

- (a) such further information or additional plans, or
- (b) such further copies (not exceeding two) of the application or of the plans lodged with the application,

as the buildings authority may direct.

(4) The provisions of Part VII of Schedule 1 shall have effect for the purposes of this regulation.

Plans lodged with application

5.—(1) Every plan submitted along with an application to the buildings authority for a warrant or an amendment of a warrant shall—

- (a) in every case, be drawn or reproduced in a clear and intelligible manner and in a permanent form and have indicated thereon the scale to which it is drawn, and
- (b) (i) in the case of the principal, be on linen and be signed by the applicant or his duly authorised agent with reference to the application ;
(ii) in the case of a copy, be certified by the applicant or his duly authorised agent as a true copy of the principal.

(2) Every block plan or location plan so submitted, shall have indicated thereon the north point.

Service of application

6.—(1) An applicant for a warrant or an amendment of a warrant shall, before lodging the application with the clerk to the buildings authority, serve a service copy of the application on every other affected proprietor and on the master of works:

Provided that nothing in this paragraph shall require service of a service copy of the application on any person who has signed the form of application as dispensing with formal service thereof.

(2) The buildings authority may at any time require the applicant to serve a service copy of the application on such other person as they may direct.

(3) Any service of an application required by this regulation may be effected on behalf of an applicant by the clerk to the buildings authority, and where so effected shall, for the purposes of this regulation, be taken to have been effected prior to the lodging of the application.

(4) For the purposes of these regulations—

“affected proprietor”, in relation to a building, includes any person who is—

(a) an owner of the building or of the site thereof ;

(b) an owner of the conterminous land, but only if any part of such land is within 100 yards of any part of the building or of the site thereof, and

(c) an owner of land part of which is within 15 feet of any part of the building or site thereof.

Opposed applications for warrant

7.—(1) At any time before the expiry of 14 days after the date of the making of the application for warrant or an amendment of a warrant—

(a) any affected proprietor, not being an affected proprietor who has signed the form of application as having no objection to the carrying out of the proposed operations,

(b) any other person claiming to have an interest in the subject matter of the application, or

(c) the master of works,

may by a statement in writing, lodged with the clerk to the buildings authority, object to the granting of the application and apply to be heard by the buildings authority (which statement is hereafter, in this regulation, referred to as an “objection”).

(2) Any objection shall state—

(a) the interest by reason of which the person objecting claims to be entitled to be heard in the application ;

(b) the grounds of objection on which he intends to rely, and

(c) an address at which documents may be served upon him,

and a copy of the objection shall be served by the person making the objection on the applicant and (if the person objecting is not the master of works) on the master of works:

Provided that the buildings authority may, if they think fit, hear any person who has applied to be heard under this regulation notwithstanding that he has not complied with this paragraph.

(3) Subject to regulation 8(1), on receipt of an objection the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt and the clerk to the buildings authority shall serve notice of the date, time and place of the meeting of the authority on the person objecting, on the applicant and (if the master of works is not the person objecting) on the master of works :

Provided that where more than one objection is lodged under this regulation the application shall not be put out for hearing earlier than 7 days after the date of the receipt of the later or latest objection.

(4) If any person who has lodged an objection to the granting of an application appears before the buildings authority at a hearing of the application, the buildings authority may require that person to lodge a further statement of objections in writing in supplement of any statement already lodged, at the same time serving a copy of such further statement on the applicant and (if the person objecting is not the master of works) on the master of works.

(5) Where at the hearing of an application any person who has lodged an objection under this regulation fails to attend, either in person or by a representative, the buildings authority may determine the application in his absence so, however, that they shall take into account any statement of the grounds of objection which has been lodged with the buildings authority and a copy of which has been served on the applicant.

(6) Where the applicant fails to attend or be represented at the hearing of an application of which notice has been given under paragraph (3) of this regulation the application shall be continued for hearing at the next following meeting of the buildings authority, and notice of the date, time and place of the meeting shall be served by the clerk to the buildings authority on the persons mentioned in paragraph (3) of this regulation ; if the applicant fails then without good cause shown to attend or be represented the buildings authority may dismiss the application.

(7) Where in the case of an application for warrant for minor works the applicant is aggrieved by the refusal of the clerk to the buildings authority or the master of works to grant warrant, he may by lodging a motion in the prescribed form require his application to be referred to and dealt with by the buildings authority and the provisions of this regulation shall then apply to the application as if the refusal were an objection lodged under paragraph (1) of this regulation by the clerk or the master of works as the case may be.

(8) Any objection lodged under paragraph (1) of this regulation may be withdrawn by the person objecting, by intimating to the clerk to the buildings authority, the applicant and the master of works a written intimation to that effect ; and the provisions of paragraphs (4) to (6) of this regulation shall not apply to such an objection.

Unopposed applications

8.—(1) If during the period mentioned in paragraph (1) of the last foregoing regulation no objection is lodged by any of the persons mentioned therein, or if before the determination of the application every objection so lodged has been withdrawn, the buildings authority may grant the application at any meeting of the authority after the expiry of the said period or after the date of withdrawal as the case may be, notwithstanding that the applicant is not present or represented before them :

Provided that the buildings authority shall not dismiss the application on any ground without giving the applicant an opportunity of being heard.

(2) If, in the case of an application for warrant for minor works—

(a) the affected proprietors, and

(b) where the delegation under section 7 of the Act has been made to the clerk to the buildings authority, the master of works,

have signed the form of application as having no objections to the granting of the application, the clerk to the buildings authority or, as the case may be, the master of works may grant the application after the expiry of the period mentioned in regulation 7(1).

Duration of warrant

9. A warrant granted by the buildings authority shall be valid only—

(a) for the period of three years from the date on which it is granted, or

(b) for such extended period or periods as may be approved by the buildings authority on application made to them at any time.

Conjoined proceedings

10. Where in the course of an application for warrant made to a buildings authority which is a dean of guild court any matters come before them under the Act and otherwise than under the Act, the authority may, on the motion of any party to the application or of their own motion, deal with the matters in conjunction.

OTHER APPLICATIONS

Other applications

11.—(1) An application under section 8 of the Act for permission to occupy temporarily, for the purpose of depositing materials or otherwise in connection with operations for the construction, repair, maintenance or demolition of any building, a portion of any road adjoining the building, may be made either—

(a) by conjoining it with an application for warrant under regulation 4, or

(b) by lodging with the clerk to the buildings authority—

(i) an application in the prescribed form, signed by the applicant or his duly authorised agent ;

(ii) the principal and a copy of a block plan to a scale of not less than 1 to 500 to show the site of the building and the portion of the road proposed to be occupied.

(2) Subject to the provisions of section 9(3) of the Act and regulation 13, any other application to the buildings authority shall be made by lodging with the clerk to the buildings authority an application in the prescribed form or, if no form is prescribed, an application in writing signed by the applicant or his duly authorised agent.

(3) The provisions of regulations 4 to 8 and 10 shall, subject to any necessary modifications, apply to any application to the buildings authority other than an application for warrant or amendment of warrant as they apply to an application for warrant :

Provided that subject to the provisions of paragraph (1) of this regulation nothing in this paragraph shall require the submission of plans with such an application or the service of such application on an affected proprietor unless the buildings authority so direct.

(4) For the purposes of section 9(1) of the Act (which requires the buildings authority within such period as may be prescribed either to grant the certificate of completion or notify the applicant of their refusal to do so) there is prescribed a period of 14 days.

ORDERS

Orders in relation to buildings constructed without warrant or in contravention of conditions of warrant.

12.—(1) Any person on whom a notice has been served under section 10 of the Act, may within the period specified in the notice lodge with the clerk to the buildings authority a statement in writing (hereinafter in this regulation referred to as “the statement”) showing cause why he should not be required to execute such operations as are specified in the notice.

(2) The statement shall state the grounds on which the person making the statement intends to rely and the person lodging the statement shall serve a copy thereof on the master of works.

(3) On receipt of the statement the matter shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt and the clerk to the buildings authority shall serve notice of the date, time and place of the meeting of the authority, on the person lodging the statement and on the master of works.

(4) The buildings authority may require the person lodging the statement to lodge a further statement in writing in supplement thereof.

(5) Where a person lodging a statement under paragraph (1) of this regulation fails to attend either in person or by a representative in response to a notice under paragraph (3) of this regulation, the buildings authority may determine the matter in his absence, so, however, that they shall take into account any grounds set forth in any statement so lodged.

(6) Where any person on whom notice has been served under section 10 of the Act fails within the period specified in the notice to submit to the buildings authority a statement under paragraph (1) of this regulation, the buildings authority may grant an order under the said section 10, forthwith.

Orders relating to dangerous buildings

13.—(1) The master of works shall, before lodging with the clerk to the buildings authority any application for an order under section 13(2) of the Act, serve a service copy of the application on—

- (a) the owner of the building, and
- (b) each of the other affected proprietors, and
- (c) any other person appearing to the master of works to have an interest.

(2) At any time before the expiry of a period of 7 days after the date of lodging of the application any person on whom a service copy of the application has been served may by a statement in writing, lodged with the clerk to the buildings authority, object to the granting of the application and apply to be heard by the buildings authority (which statement is hereafter in this regulation referred to as an “objection”).

(3) Any objection shall state—

- (a) the interest by reason of which the person objecting claims to be entitled to be heard in the application, and
- (b) the grounds of objection on which he intends to rely, and

(c) an address at which documents may be served upon him, and a copy of the objection shall be served by the person making the objection on the master of works and, where the objector is not the owner, on the owner:

Provided that the buildings authority may, if they think fit, hear any person who has applied to be heard under this regulation notwithstanding that he has not complied with this paragraph.

(4) (a) On receipt of an objection lodged under paragraph (2) of this regulation, or

(b) if no such objection has been lodged, on the expiry of the period of 7 days mentioned in the said paragraph (2),

the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt or expiry as the case may be, and the clerk to the buildings authority shall give notice of the date, time and place of the meeting of the authority to the owner, the master of works and any other person appearing to the authority to have an interest.

(5) Where the owner or any other person fails to attend or be represented at a hearing of which he has had notice under paragraph (4) of this regulation, the buildings authority may determine the application in his absence, so, however, that they shall take into account any objection lodged by him under paragraph (2) of this regulation or otherwise.

GENERAL PROCEDURE

Meetings of the buildings authority

14. Every meeting of the buildings authority shall take place in public.

Procedure at hearing

15.—(1) At any hearing before the buildings authority any party may appear and be heard either in person or by counsel or solicitor or by any other representative.

(2) Subject to the provisions of the Act and of these regulations the procedure at any hearing before the buildings authority shall be such as they may determine.

Assessors

16. If it appears to the buildings authority that any case coming before them calls for special knowledge and that it would be desirable for the authority to sit with assessors the buildings authority shall hear the proceedings with the aid of such assessor or assessors as the buildings authority may, after consulting such persons, if any, as they may think fit, appoint.

Inspection of sites

17.—(1) Subject to the provisions of section 18 of the Act the buildings authority may, if they think fit, enter on and inspect the building or site thereof which is the subject of any proceedings before them and, so far as may be practicable, any comparable building or site to which the attention of the buildings authority may be directed.

(2) The buildings authority shall give notice to the parties to the proceedings of their intention to inspect any building or site and the parties and any witnesses shall be entitled to attend the inspection.

Decisions of buildings authority

18.—(1) The decision of a buildings authority on any application shall be stated at the meeting of the authority at which the application has been considered or at a subsequent meeting as soon as may be thereafter.

(2) Where—

(a) an application is dismissed,

(b) in the case of an opposed application, the application is granted, the buildings authority shall at the same time as they state their decision state their reasons therefor.

(3) A copy of the decision of the buildings authority and the statement of their reasons therefor shall be served on—

(a) in the case of an application, the applicant, the master of works and any person who has lodged objections to the application, and

(b) in any other proceedings before the buildings authority, the parties to the proceedings :

Provided that nothing in this paragraph shall require the service of a copy of the decision and statement of reasons on any person who was present or represented at the meeting of the buildings authority at which the decision was given, unless he or his representative has at the meeting requested such service.

(4) Where the buildings authority have on an application for warrant decided to grant warrant, they shall along with the warrant send to the applicant the copy of the relative plans duly signed on behalf of the buildings authority with reference to the grant of warrant.

(5) Where the buildings authority have on an application for warrant decided to dismiss or refuse the application they may return to the applicant all or any of the plans lodged with reference to the application, as they think fit.

Maintenance of records

19.—(1) The buildings authority shall keep a register of applications in which they shall, as soon as received, record particulars of all applications and, as soon as may be, the manner in which such applications have been dealt with.

(2) Any application relating to buildings intended to have a limited life shall be specially designated in the register.

(3) Subject to the provisions of regulation 18(5), the buildings authority shall retain the principal plans lodged with reference to the application :

Provided that nothing in this paragraph shall prohibit the borrowing of the principal plans by the master of works for use in course of his duties.

Inspection of records and applications

20.—(1) Any register maintained by the buildings authority under the last foregoing regulation shall be available for inspection by the public at all reasonable hours.

(2) Where an application has been lodged with the buildings authority but no decision has yet been taken thereon, any person claiming to have an interest may at any reasonable hour inspect the application and any plans lodged with reference thereto.

(3) Where a decision has been taken on any application lodged with the buildings authority, any person showing reasonable cause may at any reasonable hour inspect the application and any plans lodged with reference thereto.

Notices to buildings authority

21. Any person carrying out operations in pursuance of a warrant granted under the Act shall give written notice to the clerk to the buildings authority—

- (a) of the date on which work is commenced ;
- (b) when any drain has been laid and is ready for inspection or test under regulation 142(6)(a) of the Building Standards Regulations ;
- (c) when a drain track has been in-filled and the drain is ready for a second inspection or test in accordance with regulation 142(6)(b) of the Building Standards Regulations, and
- (d) of the date on which the operations are completed :

Provided that nothing in this regulation shall require the giving of notice of the date on which operations are completed where application to the buildings authority for a certificate of completion has been made in the prescribed form.

Relaxation of Building Standards Regulations

22.—(1) Any application for a direction by the Secretary of State under section 4 of the Act shall be in writing in the prescribed form and shall be accompanied where appropriate by such of the plans as are specified in paragraphs 1 and 2 of Schedule 1, but only so far as necessary to show the modification subject to which it is proposed the Building Standards Regulations should apply and the relationship of the modification to the building as a whole.

(2) The Secretary of State may at any stage require the applicant to submit such further information relating to the application as the Secretary of State may direct.

(3) Where the building to which the application for a direction relates is the subject of an application for warrant, the Secretary of State may require the buildings authority to furnish to him for inspection the application for warrant and the plans lodged therewith, or a copy thereof.

Failure to comply with regulations

23. Any failure on the part of any person to comply with the provisions of these regulations shall not render the proceedings or anything done in pursuance thereof invalid unless the buildings authority or in the case of an application under section 4 of the Act, the Secretary of State, so directs.

FEES

Scale of fees

24. A buildings authority may in respect of such of the business as is set forth in Schedule 2 charge such fees as are specified in that Schedule in relation thereto.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrews House,
Edinburgh.

14th May 1964.

Regulation 4

SCHEDULE 1

PLANS TO BE SUBMITTED WITH APPLICATION FOR WARRANT

PART I

APPLICATION FOR WARRANT TO ERECT A BUILDING

1. (a) A plan of the foundations of the building, each floor and the roof ;
- (b) sections through building, longitudinal and transverse ;
- (c) an elevation of each face of the building, and
- (d) detailed drawings

which plan, section, elevation and drawings shall be to a scale of $\frac{1}{4}$ inch to 1 foot ($\frac{1}{4}$ inch to 1 foot in the case of drawings showing particulars under heads (viii) and (xii) of the aftermentioned Table) and shall show such of the following particulars set out in the following Table as are relevant to the application for warrant:—

TABLE OF PARTICULARS TO BE SHOWN IN RELATION TO AN APPLICATION FOR WARRANT

Head	Buildings to which applicable	Particulars
(i)	All	The level of the site of the building, the level of the lowest floor of the building and the level of the adjacent ground (including any road) in relation to one another and to some known datum.
(ii)	All	The position, materials and dimensions of the foundations, walls, windows (distinguishing the opening area thereof and showing the direction of opening), doors (showing the direction of opening), floors, roofs, chimneys, flues, ventilators, ventilation ducts, stairways, balconies and the other parts of the building (whether above or below ground level).
(iii)	All	Details of construction and in particular details of any framework and the sizes and position of any reinforcing material.
(iv)	All	Details of calculation of loading and strength.
(v)	All	Which walls are fire division walls or separating walls and which floors are compartment floors or separating floors.
(vi)	Buildings mentioned in regulations 61 or 182 of the Building Standards Regulations.	The position and dimensions of the lift well, the lift car and the machine room.
(vii)	Buildings to which Part V of the Building Standards Regulations applies.	The exits available as a means of escape from fire, and the dimensions thereof.
(viii)	All	The position, materials and dimensions (or weight) of any damp-proof course or other barrier to moisture.

Head	Buildings to which applicable	Particulars
(ix)	Buildings to which Part XI of the Building Standards Regulations applies.	The position, dimensions and level (in relation to some known datum) of external obstructions in relation to daylighting windows.
(x)	All	The position and dimensions of any bath, wash-hand basin, sink, tub or other built-in equipment or sanitary appliance for which standards are prescribed by the Building Standards Regulations.
(xi)	All	The position, materials, dimensions and form of any soil, soil-waste, waste, or rainwater and ventilating pipes.
(xii)	All	The position, materials, line, depth, inclination and dimensions of every drain, and means of ventilation thereof, the position, form and dimensions of traps and manholes or access openings, and the relative position and level of any sewer, sewage treatment works or other outlet into which the drains are to discharge.
(xiii)	Buildings to which Part XIII of the Building Standards Regulations applies.	A schematic diagram of electrical wiring showing the main distribution system, the controls and the proposed rating.
(xiv)	House	The position and dimensions of any larder or other storage accommodation, laundry facilities or drying facilities.
(xv)	House	The number of power points as required by regulation 195 of the Building Standards Regulations, and the rooms in which they are to be fitted.
(xvi)	All	Such particulars as are necessary to show that the operations involved will be conducted in accordance with the Building Operations (Scotland) Regulations 1963(a).

2. Block plan (to a scale not less than 1 to 1250) which shall show—

- (a) the size and position of the building ;
- (b) the size and position of any adjoining building ;
- (c) the position, width and level (in relation to such known datum) of any road, court or footway adjoining the building or from which there is access to the building ;
- (d) the boundaries with land in different occupation showing in the case of each boundary the name of any affected proprietor ;
- (e) the portion of any road in respect of which—
 - (i) permission is sought under section 8 of the Act to occupy temporarily for the purpose of depositing materials or otherwise in connection with building operations, or
 - (ii) authority is applied for under the said section 8 to erect staging or scaffolding so as to project over that portion of the road.

3. Where the site is not identifiable from the block plan referred to in the last foregoing paragraph, a location plan showing the position of the site to a scale of not less than—

- (a) if the site is in the landward area of a county, 6 inches to a mile ;
- (b) in any other case, 25 inches to a mile.

PART II

APPLICATION FOR WARRANT TO ALTER A BUILDING

4. Plans, sections, elevations, drawings and block plan as set forth in paragraphs 1 and 2 of this Schedule but only so far as necessary to show that the proposed alteration or fixture will comply with the Building Standards Regulations.

5. Where the site of the building is not identifiable from the block plan referred to in paragraph 2 of this Schedule, a location plan as set forth in paragraph 3 of this Schedule.

PART III

APPLICATION FOR WARRANT FOR THE EXTENSION OF A BUILDING

6. Plans, sections, elevations and drawings of the building as set forth in paragraphs 1 and 2 of this Schedule—

- (a) of the building so far as affected by the extension ;
- (b) of the extension, as if the extension were itself a building.

7. Where the site is not identifiable from the block plan referred to in paragraph 2 of this Schedule a location plan as set forth in paragraph 3 of this Schedule.

PART IV

APPLICATION FOR WARRANT FOR THE CHANGE OF USE OF A BUILDING

8. Block plan (to a scale of not less than 1 to 1250) showing the size and position of the building whose use is to be changed and the relationship of the building to adjoining buildings.

9. Plans, sections, elevations and drawings as set forth in paragraph 1 of this Schedule, but only if, and so far as, necessary to show that the building after the proposed change of use will comply with the additional or more onerous provisions of the Building Standards Regulations which will apply following such change of use.

PART V

APPLICATION FOR WARRANT TO DEMOLISH A BUILDING

10. Block plan (to a scale of not less than 1 to 500) showing—

- (a) the size and position of the building proposed to be demolished and its relationship to adjoining buildings ;
- (b) the boundaries with land in different occupation and in the case of each boundary the name of any affected proprietor ;
- (c) particulars appropriate to show that the operations involved will be conducted in accordance with the Building Operations (Scotland) Regulations 1963.

PART VI

APPLICATION FOR AMENDMENT OF WARRANT

11. Plans, sections, elevations and drawings, of the building as set forth in paragraphs 1 and 2 of this Schedule but only so far as necessary to show the proposed deviation.

PART VII

SUPPLEMENTAL

12.—(1) Where appropriate, any particulars required by the foregoing provisions of this Schedule may be submitted in the form of a specification or other written or figured statement signed by the applicant as relative to a plan, section, elevation or drawing as the case may be.

(2) Notwithstanding the provisions of regulation 5 only one copy of such a statement need be submitted unless the buildings authority otherwise direct under regulation 4(3).

13.—(1) Any requirement in this Schedule to show a dimension shall be construed as a requirement to show a figured dimension.

(2) Except in so far as the context otherwise requires expressions used in this Schedule and in the Building Standards Regulations shall have the same meanings in this Schedule as in those regulations.

14. Nothing in any of the Parts II to VI of this Schedule shall require the submission of any particular plan required by that Part in relation to a building if an identical plan is already held by a buildings authority in connection with a prior application for warrant relating to that building.

15. Where in relation to any application under the Act, the buildings authority are satisfied that there are special circumstances which would make it onerous to require a plan of the scale specified in this Schedule, they may direct that, in relation to that plan, for the scale so specified for that plan there shall be substituted such lesser scale as they may specify in their direction.

SCHEDULE 2

TABLE OF FEES

	£	s.	d.
1. Application for warrant (including issue of warrant) for—			
(a) erection, alteration or extension of a building (whether or not combined with application for warrant for change of use)—			
(i) where the estimated cost of the operations does not exceed £500	1	11	6
(ii) where the estimated cost of the operations exceeds £500 but does not exceed £1,000	2	2	0
(iii) where the estimated cost of the operations exceeds £1,000 but does not exceed £2,500	2	12	6
(iv) where the estimated cost of the operations exceeds £2,500 but does not exceed £5,000	4	10	0
(v) where the estimated cost of the operations exceeds £5,000	4	10	0
			(plus £2 for each succeeding £5,000 of estimated cost or part thereof up to a maximum of £20)
(b) change of use only	1	0	0
(c) demolition of a building	1	0	0
2. Application for amendment of warrant—			
(a) where additional operations are involved...			(as for paragraph 1(a) of this Schedule)
(b) where no additional operations are involved ...			10 0

	s.	d.
3. Application for extension of a period of a warrant for a building intended to have a limited life	15	0
4. Application for permission to occupy streets where not combined with an application for warrant	10	0
5. Lodging objections to granting warrant	10	0
6. Search fee for plans—per year	1	0
7. Inspection of application for warrant or amendment of warrant (not being an inspection prior to the decision on the application by a person having an interest)	5	0
(NOTE: This fee includes inspection of the plans lodged with the application, the warrant following thereon and any application for amendment of the warrant and plans relative thereto).		
8. Extracts of decisions from records—per sheet	2	6
9. Service by clerk to the buildings authority—		
for first copy	5	0
for second and subsequent copies	2	6
Mileage charge—		
for officer	1	6
for witness	1	0
10. Forms of application, if supplied by buildings authority—		
Principal	1	0
Service Copy	6	0

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, made under the Building (Scotland) Act 1959, prescribe the procedures to be followed in connection with the business of the buildings authorities established under Part I of that Act, particularly as regards applications for warrant for the construction, demolition or change of use of a building (regulations 4–10), orders made or to be made for enforcement or in connection with dangerous buildings (regulations 12 and 13), and the general procedure of buildings authorities (regulations 14–20). A scale of fees is also prescribed (regulation 24 and Schedule 2).

The regulations also prescribe the procedure to be followed in the making of an application to the Secretary of State for a direction under section 4 of the Act relaxing the requirements of the Building Standards (Scotland) Regulations 1963.

1964 No. 719

PENSIONS

The Superannuation (Institutes for the Blind and Civil Service) Transfer Rules 1964

<i>Made - - - -</i>	14th May 1964
<i>Laid before Parliament</i>	25th May 1964
<i>Coming into Operation</i>	26th May 1964

The Treasury, in exercise of the powers conferred upon them by section 2 of the Superannuation Act 1957(a) and of all other powers enabling them in that behalf, hereby make the following Rules:—

1.—(1) Where a person was on the 1st October 1963 taken into the civil service of the State as an officer of the Ministry of Labour after having been employed in a whole-time capacity by the Royal National Institute for the Blind or the Birmingham Royal Institution for the Blind on the resettlement of blind persons by obtaining for them suitable employment or on training them for employment, and his employment by the body by whom he was so employed was, in the opinion of the Treasury, of the same nature and for the same purpose as his employment in the service of the State, his service in employment by that body before the 1st October 1963 but not before the 4th February 1946 may be reckoned for the purposes of the Superannuation Acts as employment in an unestablished capacity within the meaning of Section 3 of the Superannuation Act 1935(b).

(2) Where a person to whom the foregoing paragraph applies was, before he was taken into the service of the State, a participant in a pension scheme under which contributions were paid in respect of him by the body by whom he was so employed as aforesaid, and under that scheme he has been granted or is eligible for any benefit, it shall be a condition of the making of any payment under the Superannuation Acts in respect of his service, so far as the amount of that payment is dependent on the provisions of the foregoing paragraph, that there has been paid to the Treasury a sum equal to the aggregate amount of the contributions paid in respect of him by the body by whom he was employed, together with compound interest thereon calculated from the date on which each such contribution became payable at the rate of 3 per cent. per annum with yearly rests.

(3) These Rules shall not have effect so as to authorise an increase in an annual superannuation allowance or pension so far as the allowance or pension is payable in respect of a period before the coming into operation of these Rules.

2.—(1) In these Rules “the Superannuation Acts” means the Superannuation Acts 1834 to 1960.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

(a) 5 & 6 Eliz. 2. c. 37.

(b) 25 & 26 Geo. 5. c. 23,

(c) 52 & 53 Vict. c. 63.

3. These Rules may be cited as the Superannuation (Institutes for the Blind and Civil Service) Transfer Rules 1964 and shall come into operation on 26th May 1964.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

14th May 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

The Rules provide for service (not being service before 4th February 1946 or before age 18) with the Royal National Institute for the Blind or the Birmingham Royal Institution for the Blind of employees engaged on the resettlement of blind persons who were taken into the Civil Service on 1st October 1963 to be reckoned, subject to certain conditions, as unestablished civil service for the purposes of the Superannuation Acts.

1964 No. 720

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

**The Winter Keep (England and Wales and Northern Ireland)
(Amendment) Scheme 1964***Laid before Parliament in draft*

Made - - - - 14th May 1964

The Minister of Agriculture, Fisheries and Food, being by virtue of section 26 of the Agriculture (Miscellaneous Provisions) Act 1963(a) the appropriate Minister in relation to a joint scheme for England and Wales and Northern Ireland, in exercise of the powers conferred on him by sections 10 and 12 of the said Act and of all other powers him enabling, with the approval of the Treasury, hereby makes the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation

1. This scheme may be cited as the Winter Keep (England and Wales and Northern Ireland) (Amendment) Scheme 1964.

Amendment of 1963 scheme

2. The Winter Keep (England and Wales and Northern Ireland) Scheme 1963(b) shall be varied as follows:—

- (a) in paragraph 3(3), for the words “£2 per acre” there shall be substituted the words “£3 per acre”;
- (b) in paragraph 8, subparagraphs (1) and (2) shall cease to have effect.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Approved on 14th May 1964.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners of Her
Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme amends the Winter Keep (England and Wales and Northern Ireland) Scheme 1963, by increasing the annual rate of winter keep grant from £2 to £3 per acre, and by removing the ploughing grant disqualification, so that payment of ploughing grant no longer disqualifies the land for winter keep grant.

1964 No. 721

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Ploughing Grants Scheme 1964

Laid before Parliament in draft

Made 14th May 1964

The Minister of Agriculture, Fisheries and Food, in pursuance of sections 1, 2, 3 and 5 of the Agriculture (Ploughing Grants) Act 1952(a) and all other enabling powers, with the approval of the Treasury, hereby makes the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. This scheme, which may be cited as the Ploughing Grants Scheme 1964, shall apply to England and Wales and Northern Ireland.

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

“the Act” means the Agriculture (Ploughing Grants) Act 1952;

“agricultural” has the same meaning as in section 109(3) of the Agriculture Act 1947(b);

“grass” includes clover, lucerne or sainfoin or mixtures of clover, lucerne or sainfoin with grass;

“land under grass” includes any grazing land;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“occupier” in Northern Ireland includes the person who, by virtue of an agreement, whether written or otherwise, has the right to the use of the land at the time of the completion of the operations referred to in Parts I and II of this scheme.

(2) For the purposes of this scheme grass shall be regarded as a crop.

(3) The Interpretation Act 1889(c) applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

PART I

3.—(1) Subject to the provisions of this scheme a grant may be made by the Minister under this Part of this scheme in respect of the ploughing up of land under grass and the carrying out on the land of one of the further operations specified in the Schedule to this scheme.

(2) The person to whom such a grant may be made shall be the occupier of the land on completion of the operations in respect of which the grant is payable.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 35.

(b) 10 & 11 Geo. 6. c. 48.

(c) 52 & 53 Vict. c. 63.

4. The rate of grant to be made in accordance with this Part of this scheme shall be £5 per acre :

Provided that in calculating the amount of a grant fractions of an acre less than one quarter of an acre shall be disregarded.

5. A grant under this Part of this scheme may only be made where the land ploughed up—

- (a) is agricultural land ;
- (b) is, in the opinion of the Minister, suitable for ploughing and cropping ;
- (c) is not less than one acre in area ;
- (d) was ploughed up from grass within the period beginning with 1st June 1964 and ending with 31st May 1965 ; and
- (e) at the time when such ploughing up was begun was under grass that had been sown before 1st June 1961, or had been continuously under grass since before that date.

PART II

6.—(1) Subject to the provisions of this scheme a grant may be made by the Minister under this Part thereof in respect of the following operations—

- (a) the ploughing up of land under grass ;
- (b) after ploughing, the carrying out of such further operations on the land as may be required by the Minister and as are necessary, or form part of the operations necessary, to bring the land into a state of cleanliness, fertility, and fitness for cropping ; and
- (c) the sowing on that land of a crop, unless the Minister otherwise determines.

(2) A grant shall not be made under this Part of this scheme in respect of any land unless before the commencement of any operations in respect of which such a grant may be made the Minister has approved those operations in relation to that land and is satisfied that the carrying out thereof on that land is likely to involve expenditure which is substantially heavier than normal for operations such as are specified in subparagraph (1) of this paragraph.

(3) The person to whom such a grant may be made shall be the occupier of the land on completion of the operations in respect of which the grant is payable.

7. The rate of grant to be made in accordance with this Part of this scheme shall be £12 per acre :

Provided that in calculating the amount of a grant fractions of an acre less than one quarter of an acre shall be disregarded.

8. A grant under this Part of this scheme may only be made where the land ploughed up—

- (a) is not less than one acre in area ;
- (b) was ploughed up from grass within the period beginning with 1st June 1964 and ending with 31st May 1965 ; and
- (c) at the time when such ploughing up was begun was under grass that had been sown not later than 1st June 1952, or had been continuously under grass since before that date.

PART III

9. The Minister may require an applicant for a grant under Part I, or, as the case may be, Part II, of this scheme to give to any person authorised by the Minister in that behalf adequate facilities for the inspection of any land to which the application relates.

10. Where in the opinion of the Minister—

(a) the ploughing or any other operation in respect of which a grant under Part I, or, as the case may be, Part II, of this scheme may be made has been inefficiently carried out, or

(b) adequate facilities for the inspection of the land in respect of which such a grant may be made have not been given ;

payment of the grant may be withheld or the amount of the grant may be reduced to such amount as the Minister considers reasonable.

11. If in respect of any of the operations in respect of which a grant is payable under Part I, or, as the case may be, Part II, of this scheme payments of moneys provided by Parliament under any enactment other than the Act are available, the Minister in determining the amount of grant payable under Part I, or, as the case may be, Part II of this scheme may take into consideration such payments, and may withhold or reduce the amount payable under this scheme accordingly.

12. A grant shall not be made under Part I of this scheme unless an application for the grant—

(a) is made to the Minister by the occupier of the land ploughed up, in writing in such form as the Minister may from time to time require, and

(b) is received by the Minister not later than the last day of the month following that in which the land is ploughed, or before such later date as the Minister may by reason of the special circumstances of any case allow.

13. Nothing in this scheme shall authorise the Minister to make a grant under both Part I and Part II of this scheme in respect of the same land.

14. A grant shall not be made under this scheme in respect of any land which has been the subject of a grassland renovation grant made by virtue of a scheme under section 11 of the Agriculture (Miscellaneous Provisions) Act 1963(a).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Approved on 14th May 1964.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners of Her
Majesty's Treasury.

SCHEDULE

Paragraph 3(1)

FURTHER OPERATIONS

The following shall be further operations after ploughing for the purposes of Part I of this scheme:—

- (a) Ploughing a second time, rotavating, discing, cultivating, rolling, harrowing or any similar operation carried out for the purpose of producing a tilth.
- (b) Spreading lime or fertiliser.
- (c) Sowing or planting.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is made under the Agriculture (Ploughing Grants) Act 1952, provides for the making of grants by the Minister of Agriculture, Fisheries and Food at two different rates in respect of land ploughed up from grass, where after ploughing the operations described in the scheme are carried out.

Part I of the scheme differs from the 1963 scheme (S.I. 1963/1019) in that qualification for the £5 per acre grant is no longer based upon the full range of operations necessary to produce a crop, but on ploughing followed by one of the operations specified in the scheme. Such grant is however restricted to agricultural land which is suitable for ploughing and cropping. Notice of ploughing is no longer required, but applications for grant must be made by the end of the month after that in which the land has been ploughed, unless in special circumstances the Minister allows more time.

All other qualifying dates have been advanced by one year, but in other respects the scheme is materially the same as the previous one.

1964 No. 722

AGRICULTURE

LIVESTOCK INDUSTRIES

The Calf Subsidies (England and Wales and Northern Ireland) (Amendment) Scheme 1964*Laid before Parliament in draft**Made - - - - 14th May 1964*

The Minister of Agriculture, Fisheries and Food, being the appropriate Minister in relation to a joint scheme for England and Wales and Northern Ireland, in pursuance of subsections (1) and (5) of section 1 of the Agriculture (Calf Subsidies) Act 1952(a) and all other enabling powers, with the approval of the Treasury, hereby makes the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation

1. This scheme may be cited as the Calf Subsidies (England and Wales and Northern Ireland) (Amendment) Scheme 1964.

Amendment of the 1961 scheme

2. The Calf Subsidies (England and Wales and Northern Ireland) Scheme 1961(b) shall be varied by substituting for paragraph 3 of that scheme the following paragraph:

“ 3. Subject to the provisions of this scheme, the Minister of Agriculture, Fisheries and Food may pay to the person who is the owner of a calf to which this scheme applies at the time when the calf is certified to be a calf of the description specified in this scheme—

- (a) in the case of a heifer calf, a subsidy of £7 10s. 0d.,
- (b) in the case of a steer calf born before 1st January 1964, a subsidy of £9 5s. 0d., or
- (c) in the case of a steer calf born on or after 1st January 1964, a subsidy of £9 15s. 0d.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th May 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

Approved on 14th May 1964.

*Martin McLaren,**Ian MacArthur.*Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is made under the Agriculture (Calf Subsidies) Act 1952, increases from £9 5s. 0d. to £9 15s. 0d. the subsidy payable for a steer calf born between 1st January and 29th October 1964, both dates inclusive.

1964 No. 728

WAGES COUNCILS

The Wages Regulation (Paper Box) Order 1964

<i>Made</i>	19th May 1964
<i>Coming into Operation</i>	5th June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Paper Box Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Paper Box) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 5th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Paper Box) Order 1962(c), shall cease to have effect.

Signed by order of the Minister of Labour 19th May 1964.

L. J. Dunnett,
 Secretary,
 Ministry of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Paper Box) Order 1962(a) (Order B. (74)).

STATUTORY MINIMUM REMUNERATION

PART I GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work, except work to which a minimum overtime rate applies under Part IV of this Schedule, is:—

(a) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ;

(b) in the case of a worker employed on piece work, piece rates each of which would yield in the circumstances of the case to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate applicable to the worker, or, where none is applicable, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker :

Provided that where in any week the minimum remuneration payable to a worker under this Schedule contains any fraction of a penny, such fraction shall be reckoned as a penny.

(2) In this Schedule the expression "hourly general minimum time rate" means the general minimum time rate applicable to the worker under Part II or Part III of this Schedule divided by 42, and the expression "hourly piece work basis time rate" means the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

PART II

FEMALE WORKERS GENERAL MINIMUM TIME RATES

2. The general minimum time rates applicable to female workers are as follows:—

(1) Workers who enter, or have entered, the trade for the first time under 18 years of age:—

							Per week of	
							42 hours	
							s.	d.
(a) where the worker enters, or has entered, the trade under 16 years of age and is aged—								
Under 15½ years	...	...	...	...	...	...	59	6
15½ and under 16 years	...	...	...	...	...	...	66	6
16	"	"	16½	"	...	...	72	7½
16½	"	"	17	"	...	...	78	9
17	"	"	17½	"	...	...	85	9
17½	"	"	18	"	...	...	99	9
18 years or over	...	...	...	...	...	...	131	3

(b) where the worker enters, or has entered, the trade at 16 and under 17 years of age and is aged—

16 and under 16½ years	...	...	...	...	...	67	4½
16½	"	"	17	"	...	75	3
17	"	"	17½	"	...	84	0
17½	"	"	18	"	...	97	1½
18 years or over	...	...	...	...	...	131	3

							Per week of 42 hours	
							s.	d.
(c) where the worker enters, or has entered, the trade at								
17 and under 18 years of age and is aged—								
17	and under	17½	years	...	...	...	...	80 6
17½	"	"	18	"	...	...	...	94 6
18	"	"	18½	"	...	...	...	117 3
18½	years	or	over	...	...	...	...	131 3
(2) Workers who enter, or have entered, the trade for the first time at or over the age of 18 years—								
During the 1st six months' employment in the trade							112	0
During the 2nd six months' employment in the trade							120	9
Thereafter							...	...
							131	3

PIECE WORK BASIS TIME RATE

							Per week of 42 hours	
							s.	d.
3. The piece work basis time rate applicable (irrespective of age) to female workers employed on piece work is								
						
							143	6

PART III

MALE WORKERS

GENERAL MINIMUM TIME RATES

4. The general minimum time rates applicable to male workers are as follows :—

(1) Where the worker is employed—

(a) in the manufacture of cartons:

(i) as a machine minder of carton cutting and creasing machines fitted with fully automatic feeders ; or

(ii) as a machine minder of carton automatic gluing machines ;

(b) in the manufacture of cartons or rigid boxes :

(i) as a forme setter or die maker ; or

(ii) as a designer sample maker as defined in paragraph 5 ;

(c) in the manufacture of fibreboard packing cases, as the machine minder of a double backing corrugated board machine over 63 inches in width ;

							Per week of 42 hours	
							s.	d.
and the worker is aged—								
18	and under	18½	years	...	...	...	...	112 10½
18½	"	"	19	"	...	...	...	119 0
19	"	"	19½	"	...	...	...	129 6
19½	"	"	20	"	...	...	...	140 0
20	"	"	20½	"	...	...	...	153 1½
20½	"	"	21	"	...	...	...	168 0
21	years	or	over	...	...	...	...	217 0

(2) Where the worker (not being a worker specified in subparagraph (1) of this paragraph) is employed—

(a) in the manufacture of cartons or rigid boxes :

(i) as a machine minder of carton or rigid box cutting and creasing machines ; or

(ii) as a head stock keeper as defined in paragraph 5 ;

- (b) in the manufacture of cartons:
- (i) as a guillotine cutter ; or
 - (ii) as a machine minder of automatic windowing machines ;
- (c) in the manufacture of rigid boxes:
- (i) as a machine minder of box wrapping machines ; or
 - (ii) as a machine minder of quad stayer machines ;
- (d) in the manufacture of fibreboard packing cases:
- (i) as the machine minder of a solid board laminating machine or of a double backing corrugated board machine up to and including 63 inches in width ; or
 - (ii) as the machine minder of a fully automatic cutting and creasing press with automatic feeder and stripper ; or
 - (iii) as a forme setter or die maker ; or
 - (iv) as a head stock keeper as defined in paragraph 5 ; or
 - (v) in the designing and making of samples and is normally so employed ;

Per week of
42 hours
s. d.

and the worker is aged—

18 and under 18½ years	...	...	...	...	...	...	112	0
18½ " " 19	...	...	...	...	...	...	118	1½
19 " " 19½	...	...	...	...	...	...	128	7½
19½ " " 20	...	...	...	...	...	...	139	1½
20 " " 20½	...	...	...	...	...	...	152	3
20½ " " 21	...	...	...	...	...	...	164	6
21 years or over	...	...	...	...	...	...	208	3

(3) Where the worker is employed—

- (a) in the manufacture of cartons or rigid boxes:
- (i) in making up sample boxes and cartons and is normally so employed ; or
 - (ii) as a machine minder for whom no other general minimum time rate is provided in sub-paragraph (1) or (2) of this paragraph ;
- (b) in the manufacture of fibreboard packing cases:
- (i) as a guillotine cutter or shear cutter ; or
 - (ii) as a machine minder of machines other than those named in sub-paragraph (1) or (2) of this paragraph ;
- (c) as the driver of a fork lift truck as defined in paragraph 5 ;

Per week of
42 hours
s. d.

and the worker is aged—

18 and under 18½ years	...	...	...	...	...	...	111	1½
18½ " " 19	...	...	...	...	...	...	117	3
19 " " 19½	...	...	...	...	...	...	125	1½
19½ " " 20	...	...	...	...	...	...	133	10½
20 " " 20½	...	...	...	...	...	...	145	3
20½ " " 21	...	...	...	...	...	...	157	6
21 years or over	...	...	...	...	...	...	199	6

Provided that the general minimum time rate applicable during his first 2 years' employment in any occupation specified in sub-paragraph (1), (2) or (3) of this paragraph to a worker, who enters or (not being a worker who was employed in the trade immediately prior to service with H.M. Forces) entered such occupation for the first time at or over the age of

20 years, shall be as follows, so, however, that a worker shall not be entitled to a rate higher than that to which a worker of the same age would be entitled under the foregoing provisions of this sub-paragraph—

							Per week of 42 hours	
							s.	d.
During the 1st six months' employment	...	...	...	...	...	...	154	0
" " 2nd " "	"	"	"	"	"	"	161	0
" " 3rd " "	"	"	"	"	"	"	175	10½
" " 4th " "	"	"	"	"	"	"	189	10½
(4) All other workers (including workers employed in corner cutting, punching or paper snipping, or in the manufacture of fibreboard packing cases)—								
Aged under 15½ years	...	...	...	...	...	...	61	3
" 15½ and under 16 years	...	...	...	...	...	...	69	1½
" 16 " " 16½ "	...	...	...	...	...	...	74	4½
" 16½ " " 17 "	...	...	...	...	...	...	80	6
" 17 " " 17½ "	...	...	...	...	...	...	87	6
" 17½ " " 18 "	...	...	...	...	...	...	99	9
" 18 " " 18½ "	...	...	...	...	...	...	110	3
" 18½ " " 19 "	...	...	...	...	...	...	116	4½
" 19 " " 19½ "	...	...	...	...	...	...	124	3
" 19½ " " 20 "	...	...	...	...	...	...	132	1½
" 20 " " 20½ "	...	...	...	...	...	...	140	10½
" 20½ " " 21 "	...	...	...	...	...	...	149	7½
" 21 years or over	...	...	...	...	...	...	182	0

5. For the purposes of this Part of this Schedule—

- (1) A machine minder is a worker engaged in setting, adjusting and keeping running paper box machines and in superintending the carrying through of all operations that can be performed in whole or in part by such machines.
- (2) A head stock keeper is a worker in full charge of unmanufactured stock, of the receipt and distribution of unmanufactured stock, and of the keeping of records, and who either orders personally, or passes through to the proper authority requisitions for, further stock.
- (3) A designer sample maker is a worker who is normally wholly engaged on designing rigid boxes and cartons and in making up samples of rigid boxes and cartons designed by him.
- (4) A fork lift truck is a rider controlled vehicle, mechanically propelled and operated, used for conveying and stacking loads on pallets or other types of platforms, on top of each other or on top of other piles.

PIECE WORK BASIS TIME RATE

							Per week of 42 hours	
							s.	d.
6. The piece work basis time rate applicable (irrespective of age) to a male worker specified in paragraph 4 (4), who is employed on piece work, is	...	...	...	...	...	...	199	6

PART IV
OVERTIME
NORMAL NUMBER OF HOURS

7. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 8 are payable to a worker in respect of any time worked:—

(1) in the case of workers whose attendance is normally required only on five days a week—

(a) in excess of the hours following, that is to say,

(i) in any week 42 hours

(ii) on any day other than a Saturday, Sunday or customary holiday—

where the normal working hours exceed 8½ ... 9 hours
or

where the normal working hours are not more than 8½ 8½ hours

(b) on a Saturday, except that in the case of a worker to whom the proviso to paragraph 8(2) and (3) refers overtime shall not be payable until after 8 hours have been worked.

(c) on a Sunday or customary holiday

(2) in the case of any other worker—

(a) in excess of the hours following, that is to say,

(i) in any week 42 hours

(ii) on any day other than a Saturday, Sunday or customary holiday—

where the normal working hours exceed 8 ... 8½ hours
or

where the normal working hours are not more than 8 8 hours

(iii) on a Saturday, not being a customary holiday—

(a) excluding any worker to whom the proviso to paragraph 8 (2) and (3) refers—

where the normal working hours exceed 4 ... 4½ hours
or

where the normal working hours are not more than 4 4 hours

(b) being a worker to whom the proviso to paragraph 8 (2) and (3) refers 8 hours

(b) on a Sunday or customary holiday:

Provided that the worker shall be treated as though he had worked for the employer for any normal working hours during which he is absent from work with the permission of the employer or on account of his proved sickness or accident to him or the allowance of a holiday under a wages regulation order.

MINIMUM OVERTIME RATES

8. Minimum overtime rates are payable to any worker as follows:—

(1) on any day other than a Saturday, Sunday or customary holiday—

(a) for the first 2 hours of overtime worked ... time-and-a-quarter

(b) thereafter time-and-a-half

(2) on a Saturday, not being a customary holiday—

(a) where the employer normally requires the worker's attendance on five days only in the week—

(i) for the first 2 hours worked time-and-a-quarter

(ii) thereafter time-and-a-half

(b) where the employer normally requires the worker's attendance on six days in the week—

for all overtime worked time-and-a-half

(3) on a Sunday or customary holiday—for all time

worked double time

Provided that where the worker is normally employed for more than 42 hours weekly on not more than six days in the week in any establishment where the making of cartons, waxed or otherwise proofed, and the filling of the cartons with milk are necessarily performed as a continuous process on seven days in the week, the following minimum overtime rates shall be substituted for those set out in sub-paragraphs (2) and (3) of this paragraph:—

(2) on a Saturday, not being a customary holiday—

(i) for the first 2 hours worked in excess of 8 hours time-and-a-quarter

(ii) thereafter time-and-a-half

(3) on a Sunday or customary holiday—

(i) for the first 9 hours worked time-and-a-quarter

(ii) thereafter time-and-a-half

(4) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—for all time worked in excess of 42 hours time-and-a-quarter

9. In this Part of this Schedule:—

(1) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively:—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker;

(b) in the case of a piece worker (other than a female worker aged under 18 years)—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate applicable to the worker, or, where none is applicable, of the hourly general minimum time rate which would be applicable if the worker were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the piece rates otherwise applicable to the worker under paragraph 1(1)(b);

(c) in the case of a female piece worker aged under 18 years—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be applicable if the worker were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

- (ii) the piece rates otherwise applicable to the worker under paragraph 1(1)(b).
- (2) the expression "customary holiday" means:—
- (a) (i) In England and Wales—
- Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional bank holiday or as a public holiday ;
- (ii) In Scotland—
- New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;
- the local Spring holiday ;
- the local Autumn holiday ;
- three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ; and any day proclaimed as an additional bank holiday or as a public holiday ;
- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being either—
- (i) a day recognised by local custom as a day of holiday in substitution for the said day, or
- (ii) in any establishment or branch a day agreed between the employer and the majority of the workers employed at that establishment or branch or the representative or representatives of the majority of such workers.

WAITING TIME

- 10.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent express or implied ;
- (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
- (c) by reason only of the fact that he is resident thereon ;
- (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

11. This Schedule does not apply to workers who are persons registered as handicapped by disablement in pursuance of the Disabled Persons (Employment) Acts 1944 and 1958(a), in respect of their employment by Remploy Limited, but save as aforesaid applies to workers in relation to whom the

Paper Box Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Paper Box Trade, Great Britain) (Constitution and Proceedings) Regulations 1926(a), as amended by the Trade Boards (Paper Box Trade, Great Britain) (Amendment) Regulations 1928(b), which Schedule (as amended) reads as follows:—

- “(1) Subject to the provisions of this Schedule, the making by any method of all types of plain and fancy boxes or containers from paper, chip, cardboard, pulp board, or other similar box-boards shall constitute the Paper Box Trade, and all operations of making such articles or parts thereof from such materials shall, wherever carried on, be deemed to be operations of the Paper Box Trade.
- (2) Where the main business carried on in an establishment, branch or department, is any of the work specified in paragraph (1) above, the making of any article made wholly or partially from the materials referred to in paragraph (1), and the making of part of any such article, in the course of any business of such establishment, branch or department by workers who are interchangeably engaged upon such making and any of the work specified in paragraph (1) above, shall be deemed to be operations of the Paper Box Trade.
- (3) For the purpose of this Schedule, the making of jewel, manicure, cutlery, plate or similar cases and box files, shall be deemed to be operations of the Paper Box Trade when these articles are made:—
- (a) wholly or mainly of the materials specified in paragraph (1); and
- (b) in an establishment or branch in which the main business is the making of them from the specified materials or in which they are made from these materials in association with any of the operations specified in paragraph (1) above.
- (4) All operations ancillary to the making hereinbefore mentioned (including the making of adhesive material and such operations as warehousing, packing and despatching), and the making or preparation of raw material when such operations are done or such raw material is made or prepared in an establishment, branch or department in which the main business is the making hereinbefore mentioned shall be deemed to be operations of the Paper Box Trade.
- (5) For the purposes of this Schedule, the making of the articles specified in paragraph (1) above from the materials therein specified shall be deemed to include the making of such articles when made mainly of such materials.
- (6) Notwithstanding anything in this Schedule, the following operations shall not be operations of the Paper Box Trade as herein defined:—
- (a) Printing and gold-blocking, clerical work, canvassing, running outside errands, cleaning of premises, transporting by vans, carts and lorries, tending and overhauling of machinery and stoking.
- (b) The making of match-boxes or of parts thereof on the premises of an establishment in which the main business carried on is the making of matches.
- (c) The making of suit, attache, and similar cases, to which the material covering the case has been affixed before the bending into shape takes place.
- (d) Operations included in the Trade Boards (Paper Bag Trade) Order 1919(c), or the Trade Boards (Toy) Order 1920(d), or any amendment or variation thereof.

(a) S.R. & O. 1926/593 (1926, p. 1338).

(c) S.R. & O. 1919/524 (1919 II, p. 520).

(b) S.R. & O. 1928/846 (1928, p. 1288).

(d) S.R. & O. 1920/470 (1920 II, p. 792).

-
- (e) The making of metal parts of boxes when performed in an establishment mainly engaged in work included in the Trade Boards (Stamped or Pressed Metal-wares) Order 1924(a), or any amendments or variations thereof.
- (f) Operations included in the Trade Boards (Hollow-ware Making) Order 1928(b) ; or any amendment or variation thereof.”
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EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 5th June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Paper Box) Order 1962 (Order B. (74)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1924/832 (1924, p. 1753).

(b) S.R. & O. 1928/842 (1928, p. 1258).

1964 No. 735

AGRICULTURE

HILL FARMING

**The Hill Cattle (Breeding Herds) (England and Wales)
Scheme 1964**

<i>Made - - - -</i>	13th May 1964
<i>Laid before Parliament</i>	27th May 1964
<i>Coming into Operation</i>	28th May 1964

The Minister of Agriculture, Fisheries and Food in pursuance of sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation and commencement

1. This Scheme, which may be cited as the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1964, shall come into operation on 28th May 1964.

Application

2. This Scheme shall apply to England and Wales.

Interpretation

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

“ the Act ” means the Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963 ;

“ breeding cow ” means a female bovine animal which has borne a calf ;

“ county district ” has the meaning assigned to it in section 305 of the Local Government Act 1933(c) ;

“ hill land ” has the meaning assigned to it in paragraph 6 of this Scheme ;

“ in-calf heifer ” means a female bovine animal which is in-calf for the first time at 1st January next preceding the qualifying day and which calves before the qualifying day ;

“ The Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ qualifying day ” means 4th June (or, if the Minister so appoints such other date in June) in any year in respect of which a subsidy payment falls to be made.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 73.

(b) 1963 c. 11.

(c) 23 & 24 Geo. 5. c. 51.

(d) 52 & 53 Vict. c. 63.

Subsidy payments

4. Subject to the provisions of this Scheme, the Minister may, in respect of the year 1964 and each of the three next succeeding years, make subsidy payments in respect of cattle grazed on hill land (being cattle of a description to which this Scheme applies), to the person who was the occupier of the land at the beginning of the qualifying day:

Provided that—

- (a) in the case of cattle grazed on hill land that is subject to rights of common of pasture, payment may be made to the person who at the beginning of the qualifying day was entitled so to graze the cattle by virtue of his rights of common of pasture, or
- (b) in the case of cattle grazed on other hill land that is by custom subject to rights of grazing, payment may be made, at the Minister's discretion, either to the person at the beginning of the qualifying day responsible for the care and management of the cattle, or to the person then owning the cattle.

Description of cattle

5.—(1) Subject to the provisions of the next succeeding subparagraph, this Scheme shall apply to breeding cows and in-calf heifers of such type and quality as may from time to time be approved by the Minister forming part of a regular breeding herd, that is to say, a herd of cows and in-calf heifers maintained throughout their normal breeding life for the purpose of breeding store cattle for sale.

(2) This Scheme shall not apply to cows kept wholly or mainly for the production of milk for sale or for the making on the farm of cheese for sale, or solely for domestic milk supply.

Hill land

6. In this Scheme "hill land" means—

- (a) land in those parts of England and Wales specified in Part I of the Schedule to this Scheme which is—
 - (i) land situated in an area consisting predominantly of mountains, hills or heath, or
 - (ii) land situated outside such an area in the county districts and parish specified in column 2 of Part II of the said Schedule, shown opposite the counties and county borough in which such districts and parish are respectively situated specified in column 1 of the said Part II,

being in either case land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land;

- (b) in relation to any year, land (not being hill land as mentioned in sub-paragraph (a) of this paragraph) which at any time within the period of twelve months immediately preceding the qualifying day in that year, was accepted by the Minister as having satisfied the conditions of the said subparagraph (a).

Subsidy payments (supplementary provisions)

7.—(1) Subject to subparagraphs (2) and (3) of this paragraph a subsidy payment shall be of such amount as shall be prescribed by an order made by the Minister in accordance with the provisions of section 14(3) of the Act.

(2) Except in special circumstances where the Minister, with the consent of the Treasury, otherwise directs, subsidy payments shall not be made under this Scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(a)(ii) of this Scheme unless the land in respect of which subsidy payments are claimed was, for the purposes of the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953(a), as extended (b), accepted by the Minister in respect of the year 1962, as being livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951(c).

(3) Subsidy payments shall not be made under this Scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(b) of this Scheme unless the Minister is satisfied, having regard to the applicant's livestock rearing commitments entered into before the beginning of the year in respect of which subsidy payments fall to be made, that to withhold subsidy payments would involve hardship.

Number of cows, etc. qualifying for subsidy payment

8.—(1) Subject to the provisions of this paragraph the number of cattle for which subsidy payments may be made to any person in respect of any year shall be—

(a) the number of breeding cows and in-calf heifers in the breeding herd on 1st January next preceding the qualifying day, or in the case of a newly established herd such other day, if any, as the Minister may appoint, or

(b) the number of breeding cows in the herd on the qualifying day, whichever of these numbers is the less.

(2) If the number of cattle in respect of which an application is made—

(a) includes cows (not being cows to which paragraph 5(2) of this Scheme applies) from which at any season in the year an appreciable quantity of the milk produced is sold, or used for the making on the farm of cheese for sale ;

(b) is greater than the total number which, in the opinion of the Minister, is capable of being properly grazed on the hill land on which they are grazed ; or

(c) is greater than the relevant number (computed in accordance with subparagraph (3) of this paragraph) ascertained by reference to a stocking ratio of one cow for each six acres of hill land in respect of which the application for subsidy payments is made,

the subsidy payments shall be restricted to such number as may be determined by the Minister.

(3) The relevant number referred to in subparagraph (2)(c) of this paragraph shall be computed as follows, that is to say—

(a) the number of acres of hill land, in respect of which the application for subsidy payments is made shall be divided by six ; and

(a) S.I. 1953/1179 (1953 I, p. 42).

(b) S.I. 1957/691 (1957 I, p. 128).

(c) 14 & 15 Geo. 6. c. 18.

- (b) where the quotient so ascertained contains a fraction, no account shall be taken of the fraction if it is less than a half, but if the fraction consists of a half or more than a half it shall be taken to be the next highest whole number.

Management

9. It shall be a condition of the making of subsidy payments under this Scheme that, subject to the provisions of this Scheme, cattle to the number in respect of which subsidy payments may be made—

- (a) have been maintained throughout the period of the year before the qualifying day on hill land or on land used together with such hill land for their breeding, rearing and maintenance and other activities carried on in connection therewith, and, except—

(i) in the case of cattle grazed on hill land as mentioned in paragraph 6(b) of this Scheme,

(ii) where after the qualifying day a change of occupation occurs (whether by death or otherwise) of any hill land in respect of which an application for subsidy payments is made,

are to be so maintained for the remainder of the year ; and

- (b) are grazed on the hill land at appropriate seasons in accordance with sound farming practice of the district in which the land is situated, in such manner as to bring about the maximum benefit to the grazings :

Provided that where by reason of exceptional circumstances it is impracticable to comply with the aforesaid condition so far as it requires the maintenance of the cattle throughout the year on hill land or on other land used together therewith, the Minister, if, in his opinion, having regard to all the circumstances including the length of the period for which the cattle have been or are to be so maintained on such land, it is right so to do, may relax the requirement to such extent as he may determine.

Disqualification

10. If, in the opinion of the Minister, any cattle in respect of which subsidy payments have been made to any person under this Scheme, or under the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953, as extended as aforesaid, were not in the year to which the subsidy payments related grazed and maintained in accordance with the provisions of the Scheme under which payment was made, the number of cattle, computed in accordance with the provisions of this Scheme, in respect of which subsidy payments would otherwise fall to be made to that person in respect of any subsequent year shall be reduced by such number as the Minister may determine.

Application for subsidy payment

11. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme—

- (a) shall apply in writing in such form and at such time as the Minister may from time to time require ;

- (b) shall to the best of his ability facilitate any counting or inspection of the cattle, which the Minister may consider necessary, and shall, if so requested, gather them at some convenient place for the purpose.

Improvements to lands

12. If in the year 1964, or any of the three next succeeding years, in the opinion of the Minister, it is necessary for the efficient use of hill land for the purposes of this Scheme that improvements to such land or to other land used together therewith for the maintenance of the cattle should be carried out, he may require an applicant for subsidy payments in respect of cattle grazed on the hill land to carry out any such improvements the total cost of which to the applicant will not exceed forty per cent. of the total subsidy payments estimated to be payable to him in respect of that year according to the information in his application and, if the applicant fails to do so, the Minister may reduce the amount of any subsidy payments otherwise falling to be made to the applicant in respect of that year by such sum as the Minister, having regard to all the circumstances of the case, shall determine. If it is not practicable to make such reductions in subsidy payments in respect of the year in which the Minister requires the improvements to be made, the reductions, or any part thereof, may be made in any subsidy payments falling to be paid in respect of any subsequent year.

Subsidy payments to persons entitled to claim otherwise than by virtue of an assignment

13. Any subsidy payments falling to be made under this Scheme, being payments which might be made to the person who, at the beginning of the qualifying day was the occupier of the hill land or a person to whom subsidy payments might otherwise be made under this Scheme, may be made to the person who, if any such payment had been a debt which, at the beginning of that day accrued due to either of the first mentioned persons, would have been entitled to claim the payment otherwise than by virtue of an assignment.

Withholding or reduction of subsidy to persons failing to participate in or bear their share of the cost of improvement to common land

14. Where the Minister has in accordance with the provisions of section 12 of the Act done work for making improvements for the benefit of any land which is subject to rights of common of pasture, then, if the Minister after giving any person enjoying rights of common over the land an opportunity to make representations, is satisfied that such person has derived benefit from the doing of the work, and has failed to agree to bear a part of the cost of the work done, or has made default in the payment of the amount which can be recovered from him under section 12(7) of the Act, or any part of that amount, the following provisions shall apply to the making of any subsidy payments otherwise falling to be made to that person—

- (a) if any such person did not agree to bear part of the cost of the work done, or has defaulted in payment of the whole of the amount which can be recovered from him under section 12(7) of the Act, no subsidy payment shall be made to him ;
- (b) if any such person defaults in payment of any part of the amount so due, subsidy payments payable to him may be reduced by the extent to which he is in default:

Provided that, if any person from whom subsidy payments have been withheld in whole, or in part, under the foregoing provisions subsequently pays in whole, or in part, any amount due from him, the Minister may pay to him subsidy payments previously withheld, or such proportion thereof as he may determine to be appropriate.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

We approve
13th May 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

PART I

The administrative counties of Chester, Cornwall, Cumberland, Derby, Devon, Durham, Hereford, Lancaster, Monmouth, Northumberland, Salop, Somerset, Stafford, Westmorland, York (North Riding), York (West Riding).

Any county borough which is surrounded in whole or in part by any of the above-mentioned administrative counties.

Wales, excluding Anglesey.

PART II

Administrative Counties (and County Borough) Column 1	County Districts (and Parish) Column 2
<i>England</i>	
Chester	The rural district of Congleton.
Derby	The urban district of Matlock.
Devon	The rural districts of Bideford, Broadwood- widge, Holsworthy, Okehampton and Tavistock.
Durham	The rural districts of Barnard Castle and Lanchester, and the urban district of Stanley.
Lancaster	The rural district of Lancaster.
Northumberland	The rural districts of Castle Ward, Hexham and Morpeth.
Stafford	The rural district of Uttoxeter.
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<i>Wales and Monmouthshire</i>	
Caernarvon	The rural districts of Gwyrfai, Lleyn and Nant Conway. The urban districts of Criccieth, Llandudno and Portmadoc. The municipal borough of Conway.
Cardigan	The rural districts of Aberaeron, Aberystwyth, Teifside and Tregaron. The municipal borough of Lampeter.
Carmarthen	The rural districts of Carmarthen, Llandeilo, Llanelly and Newcastle Emlyn. The urban district of Cwmamman.
Denbigh	The rural districts of Aled and Hiraethog. The municipal borough of Colwyn Bay.
Glamorgan	The rural district of Penybont.
Merioneth	The rural districts of Deudraeth and Dolgellau. The urban districts of Barmouth and Ffestiniog.
Monmouth	The rural districts of Chepstow, Magor and St. Mellons, Monmouth and Pontypool. The municipal borough of Monmouth.
Pembroke	The rural districts of Cemaes, Haverfordwest and Narberth.
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County Borough of Swansea.	The parish of Swansea.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme, made by the Minister of Agriculture, Fisheries and Food, with the approval of the Treasury, under sections 13 to 15 of the Hill Farming Act 1946 (as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963), specifies, in respect of the years 1964 to 1967, the conditions subject to which subsidy payments may be paid in respect of "hill cattle" grazed on "hill land"—as these terms are respectively defined in the Scheme.

The principal changes between this Scheme and the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1953 as extended (S.I. 1953/1179, 1957/691), which expired in 1963, are as follows:—

- (1) the definition of hill land is widened so that (read with other provisions) the Minister will henceforth be able to pay subsidy in respect of hill cattle grazed—
 - (a) on "livestock rearing land" (as defined in section 1(3)(c) of the Livestock Rearing Act 1951) in specified counties and county boroughs—which hitherto has alone constituted "hill land",
 - (b) on land in specified districts in those counties and county boroughs which the Minister accepted in respect of the year 1962 as being livestock rearing land, but which now appears to him not to be situated in "an area consisting predominantly of mountains, hills or heath" but in other respects fulfils the statutory definition of livestock rearing land, and
 - (c) in relation to any year, on land which the Minister accepted as being "hill land" (in either of the senses used in sub-paragraphs (a) and (b) above) at any time within a period of twelve months preceding the qualifying day (normally 4th June) in that year, —but only if the Minister is satisfied that, by reason of the applicant's livestock rearing commitments entered into before the beginning of the calendar year, to withhold payment would involve hardship;
- (2) the Scheme provides for the reduction of subsidy payments where the number of hill cattle on which subsidy is claimed exceeds the relevant number ascertained by reference to a stocking ratio of one cow to every six acres; and
- (3) land in Worcestershire is no longer eligible.

The amount of subsidy payment per animal for each year to which the Scheme relates is separately prescribed by order made under section 14(3) of the 1946 Act.

1964 No. 736

AGRICULTURE

HILL FARMING

**The Hill Cattle Subsidy (Breeding Herds) (England
and Wales) Payment Order 1964**

<i>Made - - - -</i>	13th May 1964
<i>Laid before Parliament</i>	27th May 1964
<i>Coming into Operation</i>	28th May 1964

The Minister of Agriculture, Fisheries and Food in pursuance of section 14(3) of the Hill Farming Act 1946(a), as amended by section 8 of the Livestock Rearing Act 1951(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Hill Cattle Subsidy (Breeding Herds) (England and Wales) Payment Order 1964, and shall come into operation on 28th May 1964.
2. The Interpretation Act 1889(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
3. Subject to the provisions of the Hill Cattle (Breeding Herds) (England and Wales) Scheme 1964(d), the amount which may be paid in respect of the year 1964, and each of the three next succeeding years, by way of subsidy payment under that Scheme in respect of any animal to which it applies shall be £12.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

We approve
13th May 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) 9 & 10 Geo. 6. c. 73.
(c) 52 & 53 Vict. c. 63.

(b) 14 & 15 Geo. 6. c. 18.
(d) S.I. 1964/735 (1964 II, p. 1468).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Hill Cattle (Breeding Herds) (England and Wales) Scheme 1964, made under sections 13 to 15 of the Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, sets out the conditions in which subsidy payments may be made in respect of cattle forming part of a regular breeding herd and grazed on hill land. This Order prescribes the amount of such payments for the year 1964 and each of the three next succeeding years.

1964 No. 737

AGRICULTURE

HILL FARMING

**The Hill Cattle (Breeding Herds) (Northern Ireland) Scheme
1964**

<i>Made</i>	13th May 1964
<i>Laid before Parliament</i>	27th May 1964
<i>Coming into Operation</i>	28th May 1964

The Minister of Agriculture, Fisheries and Food in pursuance of sections 13, 14 and 15 of the Hill Farming Act 1946(a), as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation and commencement

1. This Scheme, which may be cited as the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1964, shall come into operation on 28th May 1964.

Application

2. This Scheme shall apply to Northern Ireland.

Interpretation

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

“the Act” means the Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963;

“breeding cow” means a female bovine animal which has borne a calf;

“hill land” has the meaning assigned to it in paragraph 6 of this Scheme;

“in-calf heifer” means a female bovine animal which is in-calf for the first time at 1st January next preceding the qualifying day and which calves before the qualifying day;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the Ministry” means the Ministry of Agriculture, Northern Ireland;

“occupier” means a person who is in occupation of any land under an estate, or interest, for a period of not less than 12 months;

“qualifying day” means 1st June (or, if the Minister so appoints such other date in June) in any year in respect of which a subsidy payment falls to be made.

(2) The Interpretation Act 1889(a) as applied to Northern Ireland by the Interpretation Act 1921(b) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Subsidy Payments

4. Subject to the provisions of this Scheme, the Minister may, in respect of the year 1964 and each of the three next succeeding years, make subsidy payments in respect of cattle grazed on hill land, (being cattle of a description to which this Scheme applies), to the person who was the occupier of the land at the beginning of the qualifying day :

Provided that—

- (a) in the case of cattle grazed on hill land that is subject to rights of common of pasture, payment may be made to the person who at the beginning of the qualifying day was entitled so to graze the cattle by virtue of his rights of common of pasture, or
- (b) in the case of cattle grazed on other hill land that is by custom subject to rights of grazing, payment may be made, at the Minister's discretion, either to the person at the beginning of the qualifying day responsible for the care and management of the cattle, or to the person then owning the cattle.

Description of cattle

5.—(1) Subject to the provisions of the next succeeding subparagraph, this Scheme shall apply to breeding cows and in-calf heifers of such type and quality as may from time to time be approved by the Minister forming part of a regular breeding herd, that is to say, a herd of cows and in-calf heifers maintained throughout their normal breeding life for the purpose of breeding store cattle for sale.

(2) This Scheme shall not apply to cows kept wholly or mainly for the production of milk for sale, or the making on the farm of cheese for sale, or solely for domestic milk supply.

Hill land

6. In this Scheme " hill land " means—

- (a) land which is livestock rearing land as defined in section 1(3) of the Livestock Rearing Act 1951(c), that is to say, land situated in an area consisting predominantly of mountains, hills or heath, being land which is, or by improvement could be made, suitable for use for the breeding, rearing and maintenance of sheep or cattle but not for the carrying on, to any material extent, of dairy farming, the production, to any material extent, of fat sheep or fat cattle or the production of crops in quantity materially greater than that necessary to feed the number of sheep or cattle capable of being maintained on the land ;
- (b) in relation to any year, land which at any time within the period of twelve months immediately preceding the qualifying day in that year, was accepted by the Ministry as being livestock rearing land.

Subsidy payments (supplementary provisions)

7.—(1) Subject to subparagraph (2) of this paragraph a subsidy payment under this Scheme shall be of such amount as shall be prescribed by an order made by the Minister in accordance with the provisions of section 14(3) of the Act.

(2) Subsidy payments shall not be made under this Scheme in respect of hill cattle grazed on hill land as mentioned in paragraph 6(b) of this Scheme unless the Ministry is satisfied, having regard to the applicant's livestock rearing commitments entered into before the beginning of the year in respect of which subsidy payments fall to be made, that to withhold subsidy payments would involve hardship.

Number of cows, etc., qualifying for subsidy payment

8.—(1) Subject to the provisions of this paragraph the number of cattle for which subsidy payments may be made to any person in respect of any year shall be—

(a) the number of breeding cows and in-calf heifers in the breeding herd on 1st January next preceding the qualifying day, or in the case of a newly established herd such other day, if any, as the Ministry may appoint, or

(b) the number of breeding cows in the herd on the qualifying day,

whichever of these numbers is the less.

(2) If the number of cattle in respect of which an application is made—

(a) includes cows (not being cows to which paragraph 5(2) of this Scheme applies) from which at any season in the year an appreciable quantity of the milk produced is sold, or used for the making on the farm of cheese for sale ;

(b) is greater than the total number which, in the opinion of the Ministry, is capable of being properly grazed on the hill land on which they are grazed ; or

(c) is greater than the relevant number (computed in accordance with subparagraph (3) of this paragraph) ascertained by reference to a stocking ratio of one cow for each six acres of hill land in respect of which the application for subsidy payments is made,

the subsidy payments shall be restricted to such number as may be determined by the Ministry.

(3) The relevant number referred to in subparagraph (2)(c) of this paragraph shall be computed as follows, that is to say—

(a) the number of acres of hill land, in respect of which the application for subsidy payments is made shall be divided by six ; and

(b) where the quotient so ascertained contains a fraction, no account shall be taken of the fraction if it is less than a half, but if the fraction consists of a half or more than a half it shall be taken to be the next highest whole number.

Management

9. It shall be a condition of the making of subsidy payments under this Scheme that, subject to the provisions of this Scheme, cattle to the number in respect of which subsidy payments may be made—

(a) have been maintained throughout the period of the year before the qualifying day on hill land or on land used together with such hill land for their breeding, rearing and maintenance and other activities carried on in connection therewith, and, except—

(i) in the case of cattle grazed on hill land as mentioned in paragraph 6(b) of this Scheme,

(ii) where after the qualifying day a change of occupation occurs (whether by death or otherwise) of any hill land in respect of which an application for subsidy payments is made,

are to be so maintained for the remainder of the year ; and

(b) are grazed on the hill land at appropriate seasons in accordance with sound farming practice of the district in which the land is situated, in such manner as to bring about the maximum benefit to the grazings :

Provided that where by reason of exceptional circumstances it is impracticable to comply with the aforesaid condition so far as it requires the maintenance of the cattle throughout the year on hill land or on other land used together therewith, the Ministry, if, in its opinion, having regard to all the circumstances including the length of the period for which the cattle have been or are to be so maintained on such land, it is right so to do, may relax the requirement to such extent as it may determine.

Disqualification

10. If, in the opinion of the Ministry, any cattle in respect of which subsidy payments have been made to any person under this Scheme, or under the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1953(a), as extended(b), were not in the year to which the subsidy payments related grazed and maintained in accordance with the provisions of the Scheme under which payment was made, the number of cattle, computed in accordance with the provisions of this Scheme, in respect of which subsidy payments would otherwise fall to be made to that person in respect of any subsequent year shall be reduced by such number as the Ministry may determine.

Application for subsidy payment

11. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme :—

- (a) shall apply in writing in such form and at such time as the Ministry may from time to time require ;
- (b) shall to the best of his ability facilitate any counting or inspection of the cattle, which the Ministry may consider necessary, and shall, if so requested, gather them at some convenient place for the purpose.

Improvements to lands

12. If in the year 1964, or any of the three next succeeding years, in the opinion of the Ministry, it is necessary for the efficient use of hill land for the purposes of this Scheme that improvements to such land or to other land used together therewith for the maintenance of the cattle should be carried out, it may require an applicant for subsidy payments in respect of cattle grazed on the hill land to carry out any such improvements the total cost of which to the applicant will not exceed forty per cent. of the total subsidy payments estimated to be payable to him in respect of that year according to the information in his application and, if the applicant fails to do so, the Ministry may reduce the amount of any subsidy payments otherwise falling to be made to the applicant in respect of that year by such sum as the Ministry, having regard to all the circumstances of the case, shall determine. If it is not practicable to make such reductions in subsidy payments in respect of the year in which the Ministry requires the improvements to be made, the reductions, or any part thereof, may be made in any subsidy payments falling to be paid in respect of any subsequent year.

Subsidy payments to persons entitled to claim otherwise than by virtue of an assignment

13. Any subsidy payments falling to be made under this Scheme, being payments which might be made to the person who, at the beginning of the qualifying day was the occupier of the hill land or a person to whom

(a) S.I. 1953/1180 (1953 I, p. 47).

(b) S.I. 1957/844 (1957 I, p. 129).

subsidy payments might otherwise be made under this Scheme, may be made to the person who, if any such payment had been a debt which, at the beginning of that day accrued due to either of the first mentioned persons, would have been entitled to claim the payment otherwise than by virtue of an assignment.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We approve
13th May 1964.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme, made by the Minister of Agriculture, Fisheries and Food, with the approval of the Treasury, under sections 13 to 15 of the Hill Farming Act 1946 (as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963) specifies, in respect of the years 1964 to 1967, the conditions subject to which subsidy payments may be paid in Northern Ireland in respect of "hill cattle" grazed on "hill land" as these terms are respectively defined in the Scheme.

The principal changes between this Scheme and the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1953 as extended (S.I. 1953/1180, 1957/844), which expired in 1963, are as follows:—

- (1) the definition of "hill land" is widened so that (read with other provisions) the Ministry will henceforth be able to pay subsidy, in relation to any year, in respect of hill cattle grazed on land which the Ministry accepted as being "livestock rearing land" (as defined in section 1(3)(c) of the Livestock Rearing Act 1951) at any time within a period of twelve months preceding the qualifying day (normally 1st June) in that year,—but only if the Ministry is satisfied that, by reason of the applicant's livestock rearing commitments entered into before the beginning of the calendar year, to withhold payment would involve hardship;
- (2) the Scheme provides for the reduction of subsidy payments where the number of hill cattle on which subsidy is claimed exceeds the relevant number ascertained by reference to a stocking ratio of one cow to every six acres.

The amount of subsidy payment per animal for each year to which the Scheme relates is separately prescribed by order made under section 14(3) of the 1946 Act.

 STATUTORY INSTRUMENTS

1964 No. 738

AGRICULTURE

HILL FARMING

**The Hill Cattle Subsidy (Breeding Herds) (Northern
Ireland) Payment Order 1964**

<i>Made - - - -</i>	13th May 1964
<i>Laid before Parliament</i>	27th May 1964
<i>Coming into Operation</i>	28th May 1964

The Minister of Agriculture, Fisheries and Food in pursuance of section 14(3) of the Hill Farming Act 1946(a), as amended by section 8 of the Livestock Rearing Act 1951(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Order:—

1.—This Order may be cited as the Hill Cattle Subsidy (Breeding Herds) (Northern Ireland) Payment Order 1964, and shall come into operation on 28th May 1964.

2. The Interpretation Act 1889(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Subject to the provisions of the Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1964(d), the amount which may be paid in respect of the year 1964, and each of the three next succeeding years, by way of subsidy payment under that Scheme in respect of any animal to which it applies shall be £12.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture
Fisheries and Food.

We approve
13th May 1964.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) 9 & 10 Geo. 6. c. 73.
(c) 52 & 53 Vict. c. 63.

(b) 14 & 15 Geo. 6. c. 18.
(d) S.I. 1964/737 (1964 II. p. 1478).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Hill Cattle (Breeding Herds) (Northern Ireland) Scheme 1964, made under sections 13 to 15 of the Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, sets out the conditions in which subsidy payments may be made in respect of cattle forming part of a regular breeding herd and grazed on hill land. This Order prescribes the amount of such payments for the year 1964 and each of the three next succeeding years.

1964 No. 739

AGRICULTURE

HILL FARMING

The Hill Sheep (Northern Ireland) Scheme 1964

<i>Made</i> - - - -	13th May 1964
<i>Laid before Parliament</i>	27th May 1964
<i>Coming into Operation</i>	28th May 1964

The Minister of Agriculture, Fisheries and Food, in pursuance of sections 13, 14, and 15 of the Hill Farming Act 1946(a), as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following Scheme:—

Citation, application and commencement

1. This Scheme, which may be cited as the Hill Sheep (Northern Ireland) Scheme 1964 and applies to Northern Ireland, shall come into operation on 28th May 1964.

Interpretation

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

“the Act” means the Hill Farming Act 1946, as amended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963 or any other enactment;

“hill land” means mountain, hill and heath land which is suitable for use for the maintenance of sheep of a hardy kind but not of sheep of other kinds;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“relevant day” means in relation to the year 1963 and to each of the three next succeeding years, 1st December;

“shearling ewe” means a ewe whose age on the relevant day to which an application for subsidy payment relates, exceeds one year, but does not exceed two years;

“subsidy payment” means any payment falling to be made in respect of any ewe or shearling ewe in accordance with the provisions of this Scheme.

(2) The Interpretation Act 1889(c), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 73.

(b) 1963 c. 11.

(c) 52 & 53 Vict. c. 63.

Subsidy payments

3. Subject to the provisions of this Scheme, the Minister may make a subsidy payment of such amount as may be prescribed by an Order made by the Minister in accordance with the provisions of section 14(3) of the Act in respect of any shearing ewe or any ewe more than two years old comprised on a relevant day in a flock of sheep kept on hill land, being sheep of a description and flock to which the Scheme applies, to the person who, at the beginning of that day, was maintaining that flock.

Person maintaining flock

4. For the purposes of this Scheme the person maintaining a flock of sheep shall be the person who owns the flock and is responsible for its maintenance.

Sheep eligible

5.—(1) This Scheme shall apply to sheep of the following breeds:—

Blackface, Cheviot, Dalesbred, Derbyshire Gritstone, Exmoor Horn, Herdwick, Lonk, Radnor, Rough Fell, Scottish Blackface, Shetland, Swaledale and Welsh Mountain, and such local breeds as the Minister may approve and to any crossbred ewe or shearing ewe derived solely from any of these breeds.

(2) Where in any particular case any sheep of the breeds referred to in the preceding subparagraph, or any such crossbred ewes or shearing ewes—

(a) are not of sufficiently hardy strain to be capable of living under natural conditions upon hill land for the greater part of the year, or

(b) except through illness, weakness after lambing or other good reason, do not conform to the requirements of paragraph 7 of this Scheme relating to the flock in which, but for the provisions of this subparagraph, they would be comprised,

such sheep shall be disregarded for the purposes of this Scheme.

Flocks eligible

6.—(1) This Scheme shall apply to flocks of the following descriptions:—

Standard Rate Flocks—that is to say, breeding flocks of ewes and shearing ewes of a single breed or cross breed referred to in paragraph 5 which are kept (a) in regular ages so that there are at least three successive age groups, the youngest age group consisting of shearing ewes, and the two succeeding age groups consisting of ewes born respectively in the two lambing seasons preceding that in which the shearing ewes were born, and (b) so that a sufficient number of ewe lambs are bred, reared and retained in the flock annually to maintain the number of breeding sheep in the flock without the introduction of ewes, shearing ewes or ewe lambs from outside the flock—

Provided that if the person maintaining the flock satisfies the Minister that any of the conditions set out at (a) and (b) above have not been fulfilled because of the small size of a flock, its recent formation, unavoidable and abnormal losses, or other exceptional circumstances, the flock may be treated as a Standard Rate Flock.

Reduced Rate Flocks—that is to say, flocks of a single breed or any cross breed referred to in paragraph 5, not being standard rate flocks,

which otherwise satisfy the conditions of this Scheme, excluding flocks in which more than a small proportion of the ewes are mated with rams other than—

- (a) rams of any of the single breeds referred to in paragraph 5, or
- (b) rams of the following breeds for the production of crossbred ewes or lambs for sale :—

Border Leicester (including the blue-faced type of Leicester),
Wensleydale, Kerry Hill, Clun Forest, Llanwenog, Teeswater and
Devon Closewool.

(2) The minimum number of eligible breeding ewes and shearling ewes required to constitute a flock shall be four.

Management

7.—(1) It shall be a condition of the making of a subsidy payment in respect of any ewe or shearling ewe that it shall be one of a flock—

- (a) which is kept on hill land under natural conditions in accordance with the recognised practices of hill sheep farming ;
- (b) which, except in severe weather or at lambing time, lives on the hill land by grazing ; and
- (c) in which the ewes, when moved off the hill land for lambing, return to it with their lambs not later than the following 1st June and rear them on the hill land.

(2) The Minister may treat a flock as satisfying the requirements of the preceding subparagraph if, where any such requirement is not satisfied, the management of the flock in that respect conforms, in his opinion, to the recognised practice of hill sheep farming in the district, and such practice is not substantially different from the requirement.

Flying flocks

8. No ewe or shearling ewe comprised in a flock in which a substantial proportion of the ewes and shearling ewes are kept for less than two breeding seasons shall be eligible for a subsidy payment.

Reduction in number of sheep eligible for subsidy payments on dispersal of flock

9. If at any time between the relevant day and 1st June next following the person who maintains a flock of sheep to which this Scheme applies sells or otherwise disperses his flock, and in the opinion of the Minister the number of ewes and shearling ewes for which application for subsidy payments has been made exceeds the number which would have been eligible if the flock had not been dispersed, the Minister may reduce the number of ewes and shearling ewes in respect of which subsidy payments may be made to the number which in his opinion would have been eligible if the flock had not been dispersed.

Improved land

10. If land has been improved to an extent which renders it suitable for use for the maintenance of sheep of breeds other than those specified in paragraph 5, such land may be regarded as hill land for the purposes of the Scheme if the Minister is satisfied that the land in its original and unimproved state was suitable only for the maintenance of hardy sheep of the breeds referred to in paragraph 5 of this Scheme.

Overstocking of hill land

11. Payment of subsidy shall not be made under this Scheme for any ewes and shearing ewes in excess of the number which, in the opinion of the Minister, could properly be maintained on the area of hill land which an applicant for subsidy payments is entitled to use for the maintenance of sheep.

12. Every person who makes application for hill sheep subsidy shall, if required to do so, satisfy the Minister that he is entitled to use the hill grazings on which his sheep were kept.

Application for subsidy payment

13. It shall be a condition of the making of a subsidy payment under this Scheme that any person who desires to be paid in accordance with the provisions of this Scheme shall apply in writing in such form and at such time as the Minister may require.

Computation of numbers of sheep

14. In any case where it appears to the Minister to be advisable for the better computation of the number of ewes and shearing ewes in respect of which subsidy payment may be made, the Minister may require an applicant for subsidy payments to gather the sheep in respect of which he has applied and to permit them to be inspected and counted by an officer authorised by the Minister and the number of eligible ewes and shearing ewes in respect of which subsidy may be paid shall be determined as the result of such count. An applicant shall facilitate such counting of sheep to the best of his ability.

Inspection of flocks for which subsidy payment is claimed

15. No subsidy payment shall be made under the terms of this Scheme until the flock of sheep for which application for payment is made has been inspected by an officer authorised by the Minister.

Prohibition of assignment of subsidy payments

16. Any reference in this Scheme to the person who was maintaining a flock of sheep at the beginning of a relevant day shall be construed as including a reference to any person who, if any subsidy payment which might lawfully be made under this Scheme in respect of ewes and shearing ewes comprised in the flock were a debt which had at the beginning of that day accrued due to the person maintaining the flock, would have been entitled to claim the payment otherwise than by virtue of an assignment.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food, is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

We approve
13th May 1964.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The Hill Farming Act 1946, as extended by section 2 of the Agriculture (Miscellaneous Provisions) Act 1963, provides that schemes may be made for subsidy payments in respect of hill sheep. This Scheme follows with minor changes the Hill Sheep (Northern Ireland) Scheme 1960 (S.I. 1960/657). It is made by the Minister of Agriculture, Fisheries and Food with the approval of the Treasury and makes provision for subsidy payments in respect of flocks of ewes of *specified* mountain breeds kept on hill land in Northern Ireland in accordance with the recognised practices of hill sheep farming. It defines "hill land" and specifies the descriptions of sheep and flocks to which the Scheme applies. *Individual sheep which are not managed in accordance with hill farming practices are excluded from the Scheme. The number of breeds of ram which may be mated with ewes in reduced rate flocks for the production of cross bred ewes and lambs for sale has been increased.* The Scheme sets out the conditions under which the sheep must be kept, *taking into account recognised local practice, including a provision that after lambing the ewes must return to the hill land with their lambs not later than 1st June.* It contains consequential provisions against overstocking and provides for the making of applications for subsidy payments, the counting of the number of sheep qualifying for subsidy payments, and other matters. The Scheme does not fix the amount to be paid by way of subsidy payment, which the Hill Farming Act 1946 requires the Minister to prescribe in a separate order; the amount for the season 1963-64 is fixed by the Hill Sheep Subsidy Payment (Northern Ireland) Order 1964 (S.I. 1964/740).

The principal changes from the previous scheme are set out above in italics.

1964 No. 740

AGRICULTURE

HILL FARMING

**The Hill Sheep Subsidy Payment (Northern Ireland)
Order 1964**

<i>Made - - - -</i>	<i>13th May 1964</i>
<i>Laid before Parliament</i>	<i>27th May 1964</i>
<i>Coming into Operation</i>	<i>28th May 1964</i>

The Minister of Agriculture, Fisheries and Food, in pursuance of section 14(3) of the Hill Farming Act 1946(a), as amended by section 8 of the Livestock Rearing Act 1951(b), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby makes the following order:—

1. This order may be cited as the Hill Sheep Subsidy Payment (Northern Ireland) Order 1964, and shall come into operation on 28th May 1964.

2. The Interpretation Act 1889(c) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. Subject to the provisions of the Hill Sheep (Northern Ireland) Scheme 1964(d), the amount which may be paid by way of subsidy payment under that scheme in respect of any ewe or shearling ewe in relation to 1st December 1963 shall be, if the ewe or shearling ewe is comprised in a standard rate flock, £1 5s. 0d., or if the ewe or shearling ewe is comprised in a reduced rate flock, 12s. 6d.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We approve.
13th May 1964.

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) 9 & 10 Geo. 6. c. 73.

(b) 14 & 15 Geo. 6. c. 18.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1964/739 (1964 II, p. 1485).

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

The Hill Sheep (Northern Ireland) Scheme 1964 is made under the Hill Farming Act 1946, as extended by the Agriculture (Miscellaneous Provisions) Act 1963, and sets out the conditions on which subsidy payments may be made to persons maintaining sheep of a hardy kind on hill land. This order prescribes the amounts of such payments for the season 1963-64. The payments vary according to the method by which the number of sheep in a flock is maintained.

1964 No. 742 (S. 44)

NATIONAL HEALTH SERVICE, SCOTLAND**The National Health Service (General Medical and
Pharmaceutical Services) (Scotland) Amendment
Regulations 1964**

<i>Made</i>	21st May 1964
<i>Laid before Parliament</i>	29th May 1964
<i>Coming into Operation</i>	1st June 1964

In exercise of the powers conferred on me by sections 34 and 40 of the National Health Service (Scotland) Act 1947(a), as amended by the National Health Service (Amendment) Act 1949(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1964, and shall come into operation on 1st June 1964.

(2) The Interpretation Act 1889(c) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1955(d), as amended(e), shall be amended as follows:—

- (1) In clause 15(1)(c) of Part III of Schedule 1 (which clause prescribes payments for the treatment of temporary residents) after the words “is residing” there shall be inserted the words “temporarily on a ship in port or residing”.
- (2) In Part I of Schedule 3 (which Part specifies the appliances which may be supplied to persons receiving general medical services)
- (a) after the item “Hypodermic needles” there shall be inserted the words “, as specified in the Drug Tariff”;
- (b) after the item “Hypodermic syringes” there shall be inserted the words “, as specified in the Drug Tariff”, and the further item “Hypodermic syringes—spirit-proof cases, as specified in the Drug Tariff”;

(a) 10 & 11 Geo. 6. c. 27.

(b) 12, 13 & 14 Geo. 6. c. 93.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1955/1942 (1955 I, p. 1418).

(e) The relevant amending instruments are S.I. 1956/1319, 1957/1008, 1958/1769, 2218, 1960 2407, 1963/590 (1956 I, p. 1606; 1957 I, p. 1500; 1958 II, pp. 1560, 1561; 1960 II, p. 2121; 1963 I, p. 676).

(c) for the heading "Protectives" and the items listed thereunder there shall be substituted the following heading and items:—

Protectives:

jaconet
oiled rayon
oiled silk
polythene gloves, as specified in the Drug Tariff
polythene occlusive dressings, as specified in the Drug Tariff

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
21st May 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

The regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1955 by making provision with regard to the fee payable to practitioners for attending persons temporarily residing on ships in port and by making minor modifications to the list of appliances and reagents which may be supplied to persons receiving general medical services.

1964 No. 749

CUSTOMS AND EXCISE

The Import Duty Drawbacks (No. 4) Order 1964

<i>Made - - - -</i>	<i>25th May 1964</i>
<i>Laid before the House of Commons - -</i>	<i>29th May 1964</i>
<i>Coming into Operation</i>	<i>3rd June 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) Schedule 1 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of imported articles or goods incorporating them) shall be amended as follows.

(2) After the entry relating to headings 02.01 and 02.06, there shall be inserted, before the cross-heading "Vegetable products", the following entry:—

"04.06 (natural honey). Allowable for blended honey."

(3) In column 2 of the entry relating to headings 69.11 and 69.12, there shall be inserted at the end "and (c) for porcelain bottles which on exportation are incorporated in perfume atomisers or sprays".

(4) In column 2 of the entry relating to heading 70.13, there shall be inserted at the end of paragraph (c) "(d) for glass bottles which on exportation are incorporated in perfume atomisers or sprays".

2.—(1) Schedule 2 to the said Order of 1962 (which relates to the drawbacks to be allowed on the exportation of goods produced or manufactured from imported articles) shall be amended as follows.

(2) There shall be inserted the entries set out in the Schedule to this Order, the first two of which are in lieu of the entry relating to almonds and goods made with almonds or hazelnuts, which entry shall accordingly be omitted.

(3) In the entry relating to apricot kernel products, in column 3, for "£1 6s. 9d." (the rate of drawback per cwt. of kernels) there shall be substituted "£1 10s. 3d.".

(4) In consequence of paragraph (2) above—

(a) paragraph 2 of Schedule 3 to the said Order of 1962 (which specifies the goods excepted from the requirement of paragraph 3(2)(a) of Schedule 5 to the Import Duties Act 1958 that rates of drawback in respect of duty on imported articles charged at a preferential rate are to be proportionately reduced) shall be amended by the insertion, immediately after "Adhesive tape.", of "Almonds,"; and

(a) 6 & 7 Eliz. 2. c. 6.

(b) S.I. 1962/1685 (1962 II, p. 2040).

(b) the Import Duty Drawbacks (No. 9) Order 1962(a) (which amends the aforesaid entry relating to almonds and goods made with almonds or hazelnuts) is hereby revoked.

3.—(1) In Schedule 2 to the first-mentioned Order of 1962, the entry beginning "Tablecloths," (which ceases to have effect on 31st May 1964) shall be omitted.

(2) In consequence of paragraph (1) above and paragraph 2 of Schedule 1 to the Import Duty (Drawbacks) (No. 11) Order 1963(b), paragraph 2 of Schedule 3 to the said Order of 1962 shall be amended by the omission of "Tablecloths," and "Tubes,".

4.—(1) This Order may be cited as the Import Duty Drawbacks (No. 4) Order 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 3rd June 1964.

John Hill,

M. A. Hamilton,

Two of the Lords Commissioners
of Her Majesty's Treasury.

25th May 1964.

SCHEDULE

DRAWBACK ON EXPORTATION OF GOODS PRODUCED OR MANUFACTURED FROM IMPORTED ARTICLES

<i>Exported goods</i>	<i>Imported goods</i>	<i>Rate of drawback</i>
Almonds and almond products, the following:— 1. Blanched almonds, roasted and salted, or unsalted, and either whole, cut, broken (whether or not coloured and dried) or ground, but in any case not further prepared.	Almonds, shelled but not further prepared.	£2 12s. 10d. per cwt. of almonds.
2. Marzipan and other paste produced partly from almonds.		£2 9s. 10d. per cwt. of almonds.
3. Chocolate, chocolate confectionery and sugar confectionery: (a) containing almonds, either whole, cut, broken or ground, but not containing marzipan or other paste produced partly from almonds;		£2 12s. 10d. per cwt. of almonds.

(a) S.I. 1962/2124 (1962 III, p. 2523). (b) S.I. 1963/2012 (1963 III, p. 4259).

(c) 52 & 53 Vict. c. 63.

<i>Exported goods</i>	<i>Imported goods</i>	<i>Rate of drawback</i>
(b) containing marzipan or other paste produced partly from almonds.		£2 9s. 10d. per cwt. of almonds.
4. Preparations made with almonds for the manufacture of cakes or confectionery.		£2 9s. 10d. per cwt. of almonds.
Hazelnut products, the following:—	Hazelnuts, shelled but not further prepared.	£1 19s. 6d. per cwt. of hazelnuts.
1. Paste produced partly from hazelnuts.		
2. Chocolate, chocolate confectionery and sugar confectionery, containing hazelnuts, either whole, cut, broken or ground, or containing paste produced partly from hazelnuts.		
Whey powder preparations, containing lactose but no substance other than whey powder, lactose or other sugar.	Whey powder (3rd June 1964).	5s. 5d. per cwt. of whey powder.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order—

- (i) provides for the allowance of drawback of import duty on—
 - (a) imported honey exported as blended honey,
 - (b) imported porcelain and glass bottles which on exportation are incorporated in perfume atomisers or sprays,
 - (c) imported almonds used in the manufacture of preparations for making cakes or confectionery, and
 - (d) imported whey powders used in the manufacture of preparations of whey powder and certain other ingredients for export ;
- (ii) amends the present provision of drawback of import duty on imported almonds and hazelnuts by—
 - (a) reducing the rate of drawback of import duty on imported hazelnuts used in the manufacture of certain exported products,
 - (b) excluding drawback of import duty on imported almonds from the operation of paragraph 3(2)(a) of the Fifth Schedule to the Import Duties Act 1958 ;
- (iii) increases the rate of drawback of import duty on certain imported apricot kernels used in the manufacture of apricot kernel products for export.

 STATUTORY INSTRUMENTS

1964 No. 750

CUSTOMS AND EXCISE

The Import Duties (General) (No. 6) Order 1964

<i>Made - - - -</i>	<i>25th May 1964</i>
<i>Laid before the House of Commons - -</i>	<i>29th May 1964</i>
<i>Coming into Operation</i>	<i>3rd June 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 1, 2 and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1. The Schedule to the Import Duties (General) (No. 3) Order 1961(b) (which by reference to the Customs Tariff 1959 sets out the import duties chargeable under the Import Duties Act 1958), as amended by subsequent Orders under that Act(c), shall be further amended in accordance with the provisions of the Schedule to this Order.

2.—(1) This Order may be cited as the Import Duties (General) (No. 6) Order 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 3rd June 1964.

John Hill,

M. A. Hamilton,

Two of the Lords Commissioners
of Her Majesty's Treasury.

25th May 1964.

(a) 6 & 7 Eliz. 2. c. 6.

(b) S.I. 1961/403 (1961 I, p. 585).

(c) See, in particular, S.I. 1964/100 (1964 I, p. 163). (d) 52 & 53 Vict. c. 63.

SCHEDULE

AMENDMENT OF IMPORT DUTIES (GENERAL) (No. 3) ORDER 1961

Removal of existing duty (full rate 10%; E.F.T.A. rate 4%) on certain feathers and down

1. In heading 05.07, for sub-heading (B) there shall be substituted the following sub-headings, and the existing sub-heading (C) shall be re-numbered accordingly:—

“(B) Feathers in bales, sacks or similar packages, without internal containers; down:

(1) Cleaned to the standard prescribed in paragraph 8 of Part 12 of British Standard 1425:1960	10%	—	4%
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(2) Other

(C) Barbs, quills and scapes with the rates of duty in columns 2 and 4.	10%	—	4%
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Reduction of existing duty on certain articles containing not more than 5% of silk

2. In the headings specified below, in column 1,—

(a) for “Where any component is silk”, wherever occurring, there shall be substituted “Containing silk, where the value of the silk component exceeds 5 per cent. of the aggregate of the values of all the components”; and

(b) for “Where no component is silk”, wherever occurring, there shall be substituted “Other”.

60.02	61.03	61.08
60.04	61.04	61.09
60.05	61.05	61.10
61.01	61.06	61.11
61.02	61.07	62.05

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the removal of the import duty (both full and E.F.T.A. rates) on certain raw feathers and down.

A number of sub-headings in Chapters 60, 61 and 62 of the Customs Tariff applicable to certain made-up textile articles in which the value of the silk and/or man-made fibre component or components exceeds 5% of the aggregate of the values of all the components, provide in many cases that articles containing silk shall be chargeable with higher rates of import duty than those applicable to similar articles containing man-made fibres but no silk. The Order also provides that, within each of such sub-headings as are included in the headings specified in paragraph 2 of the Schedule to this Order, the rates of import duty on articles containing 5% or less by value of silk shall be the same as those on similar articles containing no silk.

1964 No. 751

SUGAR

**The Sugar (Distribution Payments and Repayments)
(Revocation) Order 1964**

<i>Made</i> - - - -	25th May 1964
<i>Laid before Parliament</i>	26th May 1964
<i>Coming into Operation</i>	27th May 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by sections 9(1), 14, 15, 16(5) and 33(4) of the Sugar Act 1956(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b), and of all other powers enabling him in that behalf, on the advice of the Sugar Board and with the concurrence of the Treasury, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Distribution Payments and Repayments) (Revocation) Order 1964 ; and shall come into operation on 27th May 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

2. The orders specified in Part I of the Schedule to this order (which relate to distribution payments) and the orders specified in Part II thereof (which relate to distribution repayments) are hereby revoked save that those orders specified in the said Part II shall continue to have effect as respects sugar and invert sugar in respect of which a distribution payment has become payable before the coming into operation of this order.

3. Section 10 of the Finance Act 1901(d) (which relates to new or altered customs and excise duties in their effect on contracts) shall have effect in relation to the cessation of distribution payments as it has effect in relation to customs or excise duties, as if the cessation of a distribution payment were an increase in the amount of customs or excise duty by an amount equivalent to the amount of the distribution payment which would have been payable save for the revocation of the orders specified in the Schedule to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We concur.
25th May 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

THE SCHEDULE

PART I

Orders revoked	References
The Sugar (Distribution Payments) Order 1963	S.I. 1963/1008 (1963 II, p. 1666).
The Composite Sugar Products (Distribution Payments—Average Rates) Order 1963.	S.I. 1963/1010 (1963 II, p. 1672).
The Sugar (Distribution Payments) (No. 2) Order 1963 ..	S.I. 1963/1175 (1963 II, p. 2001).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 2) Order 1963.	S.I. 1963/1177 (1963 II, p. 2005).
The Sugar (Distribution Payments) (No. 3) Order 1963 ..	S.I. 1963/1392 (1963 II, p. 2395).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 3) Order 1963.	S.I. 1963/1394 (1963 II, p. 2399).
The Sugar (Distribution Payments) (No. 4) Order 1963 ..	S.I. 1963/1519 (1963 III, p. 2802).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 4) Order 1963.	S.I. 1963/1521 (1963 III, p. 2806).
The Sugar (Distribution Payments) (No. 5) Order 1963 ..	S.I. 1963/1702 (1963 III, p. 3266).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 5) Order 1963.	S.I. 1963/1704 (1963 III, p. 3270).
The Sugar (Distribution Payments) (No. 6) Order 1963 ..	S.I. 1963/1745 (1963 III, p. 3360).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 6) Order 1963.	S.I. 1963/1747 (1963 III, p. 3364).
The Sugar (Distribution Payments) (No. 7) Order 1963 ..	S.I. 1963/1787 (1963 III, p. 3384).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 7) Order 1963.	S.I. 1963/1789 (1963 III, p. 3388).
The Sugar (Distribution Payments) (No. 8) Order 1963 ..	S.I. 1963/1809 (1963 III, p. 3405).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 8) Order 1963.	S.I. 1963/1811 (1963 III, p. 3409).
The Sugar (Distribution Payments) (No. 9) Order 1963 ..	S.I. 1963/1901 (1963 III, p. 3744).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 9) Order 1963.	S.I. 1963/1903 (1963 III, p. 3748).
The Sugar (Distribution Payments) (No. 10) Order 1963 ..	S.I. 1963/2027 (1963 III, p. 4270).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 10) Order 1963.	S.I. 1963/2029 (1963 III, p. 4274).
The Sugar (Distribution Payments) Order 1964	S.I. 1964/41 (1964 I, p. 64).
The Composite Sugar Products (Distribution Payments—Average Rates) Order 1964.	S.I. 1964/43 (1964 I, p. 68).
The Sugar (Distribution Payments) (No. 2) Order 1964 ..	S.I. 1964/172 (1964 I, p. 299).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 2) Order 1964.	S.I. 1964/174 (1964 I, p. 303).
The Sugar (Distribution Payments) (No. 3) Order 1964 ..	S.I. 1964/324 (1964 I, p. 526).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 3) Order 1964.	S.I. 1964/326 (1964 I, p. 530).
The Sugar (Distribution Payments) (No. 4) Order 1964 ..	S.I. 1964/371 (1964 I, p. 558).
The Composite Sugar Products (Distribution Payments—Average Rates) (No. 4) Order 1964.	S.I. 1964/373 (1964 I, p. 562).

PART II

Orders revoked	References
The Sugar (Distribution Repayments) Order 1963 ..	S.I. 1963/1009 (1963 II, p. 1669).
The Sugar (Distribution Repayments) (Amendment) Order 1963.	S.I. 1963/1176 (1963 II, p. 2003).
The Sugar (Distribution Repayments) (Amendment) (No. 2) Order 1963.	S.I. 1963/1393 (1963 II, p. 2397).
The Sugar (Distribution Repayments) (Amendment) (No. 3) Order 1963.	S.I. 1963/1520 (1963 III, p. 2804).
The Sugar (Distribution Repayments) (Amendment) (No. 4) Order 1963.	S.I. 1963/1703 (1963 III, p. 3268).
The Sugar (Distribution Repayments) (Amendment) (No. 5) Order 1963.	S.I. 1963/1746 (1963 III, p. 3362).
The Sugar (Distribution Repayments) (Amendment) (No. 6) Order 1963.	S.I. 1963/1788 (1963 III, p. 3386).
The Sugar (Distribution Repayments) (Amendment) (No. 7) Order 1963.	S.I. 1963/1810 (1963 III, p. 3407).
The Sugar (Distribution Repayments) (Amendment) (No. 8) Order 1963.	S.I. 1963/1902 (1963 III, p. 3746).
The Sugar (Distribution Repayments) (Amendment) (No. 9) Order 1963.	S.I. 1963/2028 (1963 III, p. 4272).
The Sugar (Distribution Repayments) (Amendment) Order 1964.	S.I. 1964/42 (1964 I, p. 66).
The Sugar (Distribution Repayments) (Amendment) (No. 2) Order 1964.	S.I. 1964/173 (1964 I, p. 301).
The Sugar (Distribution Repayments) (Amendment) (No. 3) Order 1964.	S.I. 1964/325 (1964 I, p. 528).
The Sugar (Distribution Repayments) (Amendment) (No. 4) Order 1964.	S.I. 1964/372 (1964 I, p. 560).

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which comes into operation on 27th May 1964, revokes the orders referred to in the Schedule thereby providing for the termination of distribution payments and distribution repayments on sugar and invert sugar. Provision is made, however, for distribution repayments to remain payable on sugar and invert sugar in respect of which a distribution payment has become payable before the date of operation of this order.

1964 No. 753

MERCHANT SHIPPING

SAFETY

The Load Line (Amendment) Rules 1964

<i>Made - - - -</i>	<i>25th May 1964</i>
<i>Coming into Operation</i>	<i>1st June 1964</i>

The Minister of Transport in exercise of his powers under sections 42, 47 and 48 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932(a) and of all other powers enabling him in that behalf hereby makes the following Rules:—

- 1.—(1) These Rules shall come into operation on the 1st June 1964, and may be cited as the Load Line (Amendment) Rules 1964.
- (2) The Interpretation Act 1889(b) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.
2. The Load Line (Amendment) (No. 2) Rules 1961(c) are hereby revoked.
3. The Load Line Rules 1959(d) as amended (e), shall be further amended by substituting the Schedule to these Rules for the First Schedule to the Load Line Rules 1959.

Given under the Official Seal of the Minister of Transport the 25th May 1964.

(L.S.)

B. E. Bellamy,
 An Under Secretary of the
 Ministry of Transport.

(a) 22 & 23 Geo. 5. c. 9.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/1116 (1961 II, p. 2090).

(d) S.I. 1959/2238 (1959 I, p. 1699).

(e) There is no amendment relevant to the subject matter of these Rules.

SCHEDULE
STANDARD FEES

Gross Tonnage	Classed Ships			Unclassed Ships		
	Fees			Fees		
	(1) Issue of Certificate	(2) Renewal of Certificate	(3) Annual Survey	(4) Issue of Certificate	(5) Renewal of Certificate	(6) Annual Survey
	£ s.	£ s.	£ s.	£ s.	£ s.	£ s.
Under 50 tons	13 15	6 5	6 5	31 5	31 5	5 0
50 tons and under 150 tons	16 5	6 5	6 5	62 10	62 10	8 15
150 " " " 300 "	25 0	8 15	8 15	83 15	83 15	11 5
300 " " " 500 "	31 5	11 5	11 5	112 10	112 10	15 0
500 " " " 1,000 "	38 15	13 15	13 15	145 0	145 0	20 0
1,000 " " " 1,500 "	48 15	17 10	17 10	187 10	187 10	25 0
1,500 " " " 2,000 "	55 0	18 15	18 15	215 0	215 0	30 0
2,000 " " " 2,500 "	61 5	21 5	21 5	245 0	245 0	30 0
2,500 " " " 3,000 "	67 10	23 15	23 15	273 15	273 15	33 15
3,000 " " " 4,000 "	71 5	25 0	25 0	302 10	302 10	38 15
4,000 " " " 5,000 "	80 0	25 0	25 0	332 10	332 10	38 15
5,000 " " " 6,000 "	86 5	25 0	25 0	362 10	362 10	38 15
6,000 " " " 7,000 "	92 10	26 5	26 5	390 0	390 0	38 15
7,000 " " " 8,000 "	96 5	26 5	26 5	420 0	420 0	38 15
8,000 " " " 9,000 "	100 0	27 10	27 10	450 0	450 0	38 15
9,000 " " " 10,000 "	102 10	30 0	30 0	480 0	480 0	38 15
10,000 tons and above	102 10	30 0	30 0	30 0	30 0	38 15
				for every addi- tional 1,000 tons	for every addi- tional 1,000 tons	

VARIATIONS OF STANDARD FEES

(1) Annual Survey carried through in one operation:—

For every annual survey of any ship over 300 tons (classed or unclassified) which is carried through in one operation there shall be paid:—

(a) the standard fee, and

(b) in addition, a single fee of £10 0s. if, for the purposes of the survey, more than one visit is paid to the ship by the surveyor.

(2) Annual Survey not carried through in one operation:—

For every annual survey of any ship (classed or unclassified) which is not carried through in one operation there shall be paid:—

(a) the standard fee,

(b) in addition, a fee of £10 0s. for every partial annual survey, and

(c) for any ship over 300 tons, in addition, a single fee of £10 0s. for every partial annual survey in respect of which, for the purposes of the partial annual survey, more than one visit is paid to the ship by the surveyor.

(3) Renewal Survey carried out concurrently with a Special Survey for classification purposes:—

In the case of the survey of a classed ship for renewal of the Load Line Certificate, the fee in column (2) shall be paid if the renewal is carried out concurrently with a Special Survey for classification purposes, for which a fee is charged. Otherwise the fee will be 50 per cent. of that in column (1).

(4) Issue or Renewal Survey carried out concurrently with survey for Ministry of Transport Passenger or Passenger and Safety Certificate:—

Where the survey for the issue or renewal of a Load Line Certificate is carried out by a Ministry of Transport Surveyor concurrently with that for a Passenger or Passenger and Safety Certificate, and the ship is:—

- (a) a classed ship—no fee will be charged under column (1) or column (2);
- (b) an unclassified ship—half the fee under column (4) or column (5) shall be paid.

(5) Annual Survey carried out concurrently with survey for Ministry of Transport Passenger or Passenger and Safety Certificate:—

Where the annual load line survey is made by a Ministry of Transport Surveyor at the same time as the survey for the issue of a Passenger or Passenger and Safety Certificate, no fee will be charged under column (3) or column (6).

(6) Survey where minor alterations have been made to a ship:—

Where minor alterations have been made to a ship having a Load Line Certificate in force, which involve an alteration of the freeboard but do not require a full survey, the fee in column (2) shall be paid whether the ship be classed or unclassified.

(7) Partial survey for issue of a short term certificate:—

Where for special reasons a partial survey is made and a certificate is issued or renewed for a period not exceeding twelve months, one-half of the standard fee appropriate to a full survey shall be paid.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules revoke the Load Line (Amendment) (No. 2) Rules 1961, which substituted a new schedule for the First Schedule to the Load Line Rules 1959 and substitute a further new schedule increasing the fees at present chargeable in relation to the issue or renewal of a load line certificate and the annual survey which a ship is required to undergo during the currency of her load line certificate.

1964 No. 754
MERCHANT SHIPPING
The Merchant Shipping (Fees) Regulations 1964

<i>Made - - - -</i>	<i>25th May 1964</i>
<i>Laid before Parliament</i>	<i>29th May 1964</i>
<i>Coming into Operation</i>	<i>1st June 1964</i>

The Minister of Transport, with the approval of the Treasury and in exercise of the powers conferred upon him by section 33 of the Merchant Shipping (Safety Convention) Act 1949(a) and the enactments specified in the Second Schedule to that Act, which enactments are specified in the First Schedule to these Regulations, and of all other powers enabling him in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st June 1964 and may be cited as the Merchant Shipping (Fees) Regulations 1964.

(2) The Merchant Shipping (Fees) Regulations 1962(b) as amended(c) are hereby revoked.

(3) In these Regulations the expression “tons” means gross tons.

(4) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. There shall be paid, under the enactments mentioned in the first column of the Second Schedule to these Regulations, for the services mentioned in the second column of that Schedule, the fees specified in the third column thereof.

Given under the Official Seal of the Minister of Transport the 25th May 1964.

(L.S.)

T. Padmore,
Secretary to the Ministry of Transport.

We approve the making of these Regulations.

Dated the 25th May 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury

(a) 12, 13 & 14 Geo. 6. c. 43.

(c) S.I. 1962/1819 (1962 II, p. 2170).

(b) S.I. 1962/569 (1962 I, p. 538).

(d) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

The Merchant Shipping Act 1894(a) sections 64(1), 77(2), 83, 97, 125(3), 126(2) 210(3), 277, 306(2), 360(2), 420(8), 567(1), 695(2).

The Merchant Shipping (Mercantile Marine Fund) Act 1898(b) section 3.

The Fees (Increase) Act 1923(c) section 2(1) to (4).

SECOND SCHEDULE

FEES FOR CERTIFICATES

PART 1. FEES FOR PASSENGER STEAMERS' CERTIFICATES AND SAFETY CERTIFICATES*

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
For passenger steamers' certificates—section 277 of the Merchant Shipping Act 1894.	(a) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, except in the cases specified in paragraphs (b) to (g) of this part of this Schedule—			
For safety certificates—section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(i) Ships not exceeding 50 tons	20	0	0
	(ii) Ships exceeding 50 tons and not exceeding 100 tons ...	37	10	0
	(iii) Ships exceeding 100 tons and not exceeding 300 tons ...	56	5	0
	(iv) Ships exceeding 300 tons and not exceeding 600 tons ...	70	0	0
	(v) Ships exceeding 600 tons ...	70	0	0
		with an addition of £13 15s. 0d. for each additional 300 tons or part thereof but not exceeding a total tonnage of 21,000 tons; £10 0s. 0d. for each 300 tons or part thereof exceeding 21,000 tons but not exceeding 39,000 tons and £5 0s. 0d. for each 300 tons or part thereof exceeding 39,000 tons.		
	(b) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate of less than twelve months' validity (not being a certificate referred to in paragraph (e) of this part of this Schedule)			one twelfth of the fee calculated in accordance with paragraph (a) of this part of this Schedule for each month or part of a month.

(a) 57 & 58 Vict. c. 60.

(b) 61 & 62 Vict. c. 44.

(c) 13 & 14 Geo. 5. c. 4.

* For a qualified safety certificate together with an exemption certificate the fee shall be the same as for the corresponding unqualified safety certificate.

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
For passenger steamers' certificates — section 277 of the Merchant Shipping Act 1894. For safety certificates— section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	Minimum fee	one quarter of the fee calculated in accordance with the said paragraph (a), but not less than £20 0s. 0d. for a ship not exceeding 100 tons and £30 0s. 0d. for a ship exceeding 100 tons.
	(c) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, where, in any of the cases specified in paragraphs (a) and (b) of this part of this Schedule, the ship is required by the radio rules to be provided with a radio installation:—	
	(i) Ships not exceeding 1,600 tons	9 7 6
	(ii) Ships exceeding 1,600 tons	18 10 0
		being in each case in addition to the fee prescribed in paragraphs (a) and (b) of this part of this Schedule.
	(d) (i) For a "Passenger Certificate, Class VI", certifying that the ship is fit to carry not more than 36 passengers ...	13 15 0
	(ii) For a "Passenger Certificate, Class VI", certifying that a ship of 50 tons or less is fit to carry more than 36 passengers	20 0 0
	(e) For a passenger steamer's certificate of not more than 6 months validity (other than a "Passenger Certificate, Class VI") issued in respect of a ship not exceeding 25 tons	13 15 0
	(f) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, in each case being a certificate issued in substitution for an existing certificate of the same kind:—	
	(i) changing the limits or giving additional limits within which the ship may ply ...	10 0 0
	(ii) decreasing the number of passengers the ship may carry	10 0 0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>			
		£	s.	d.	
For passenger steamers' certificates — section 277 of the Merchant Shipping Act 1894. For safety certificates— section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	(iii) increasing the number of such passengers:— for the first 200, or fraction of 200, extra passengers for every additional 200, or fraction of 200, extra passengers	10	0	0	
	(iv) changing the owner of the ship	7	10	0	
	(v) for any other change in the certificate	4	15	0	
	(g) For a passenger steamer's certificate issued in respect of a passenger steamer not registered in the United Kingdom stating only the number of passengers the ship may carry:—		10	0	0
	(i) for the first 200, or fraction of 200, passengers	7	10	0	
	(ii) for every additional 200, or fraction of 200, passengers ...				
			10	0	0

PART 2. FEES FOR RADIO CERTIFICATES AND RADIO EXEMPTION CERTIFICATES

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(a) For a radio certificate, or a qualified radio certificate together with an exemption certificate:—			
	(i) Ships not exceeding 1,600 tons	9	7	6
	(ii) Ships exceeding 1,600 tons ...	18	10	0
	(b) For an exemption certificate only, relating to radio	3	18	0

PART 3. FEES FOR THE INSPECTION OF RADIO INSTALLATIONS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(a) For the inspection of a ship under section 3(7) of the Merchant Shipping (Safety Convention) Act 1949, on the application of the owner, for the purpose of seeing that she is properly provided with a radio installation and radio officers or radio telephone operators in conformity with the radio rules, not being an inspection made with a view to the issue of a passenger steamer's certificate or of any of the certificates referred to in sections 7 and 9 of the Merchant Shipping (Safety Convention) Act 1949:—			
	For a complete inspection:—			
	(i) Ships not exceeding 1,600 tons	9	7	6
	(ii) Ships exceeding 1,600 tons	18	10	0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	For a partial inspection:—			
	(i) Ships not exceeding 1,600 tons			
	Maximum fee	9	7	6
	(ii) Ships exceeding 1,600 tons			
	Maximum fee	18	10	0
	(b) For the inspection of a ship under section 3(7) of the Merchant Shipping (Safety Convention) Act 1949, otherwise than on the application of the owner, if the ship is found not to be properly provided with a radio installation and radio officers or radio telephone operators:—			
	For each visit made to the ship	10	0	0
	Maximum fee	37	10	0

PART 4. FEES FOR SAFETY-EQUIPMENT CERTIFICATES

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	For a safety-equipment certificate or a qualified safety-equipment certificate together with an exemption certificate:—			
	(i) Ships not exceeding 1,600 tons	15	0	0
	(ii) Ships exceeding 1,600 tons but not exceeding 3,000 tons	20	0	0
	(iii) Ships exceeding 3,000 tons	31	5	0

PART 5. FEES FOR THE INSPECTION OF LIFE-SAVING APPLIANCES, FIRE APPLIANCES AND PILOT LADDERS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 2 (3) of the Fees (Increase) Act 1923.	(a) For the inspection on the application of the owner (not being an inspection made with a view to issue of a passenger steamer's certificate or of any of the certificates referred to in sections 7 and 8 of the Merchant Shipping (Safety Convention) Act 1949), under section 431 of the Merchant Shipping Act 1894 as substituted by section 5(3) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932(a) of a ship other than a passenger steamer either during the construction of the ship or otherwise for the purpose of seeing that the ship complies with the Rules made under section 427 of the			

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 2(3) of the Fees (Increase) Act 1923— <i>cont.</i>	Merchant Shipping Act 1894, as substituted by section 2(1) of the Merchant Shipping (Safety Convention) Act 1949: For a complete inspection of ships:— Not exceeding 500 tons ... Exceeding 500 tons but not exceeding 1,600 ... Exceeding 1,600 tons but not exceeding 3,000 ... Exceeding 3,000 tons ... For a partial inspection:— For each visit made to the ship Maximum fee	11 5 0 15 0 0 20 0 0 31 5 0 4 17 6 The fee for a complete inspection.
	(b) For the inspection of a ship otherwise than on the application of the owner under section 431 of the Merchant Shipping Act 1894 as substituted by section 5(3) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 where the equipment is found defective:— For each visit made to the ship Maximum fee	4 17 6 The fee payable under paragraph (a) of this part of this Schedule.

PART 6. FEES FOR INSPECTION OF LIGHTS AND FOG SIGNALS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 420(8) of the Merchant Shipping Act 1894.	For the inspection of lights and fog signals on any ship:— For each visit made to the ship on application of the owner and for each visit made where the equipment is found defective Maximum fee	5 0 0 20 0 0

PART 7. FEES FOR INSPECTION OF SHIPS' PROVISIONS

<i>Enactments</i>	<i>Commodity</i>	<i>Unit</i>	<i>Fees per Unit</i> £ s. d.
Section 2 (4) of the Fees (Increase) Act 1923.	Biscuits	28 lbs.	0 0 3
	*Salt beef	Tierces (or barrels)	0 6 0
	*Salt beef	Kegs	0 3 0
	*Salt pork	Barrels	0 6 0
	*Salt pork	Kegs	0 3 0
	*†Preserved meats	48 lbs.	0 1 3

* The fee for re-inspection in bulk of any of these articles, if previously sealed, shall be 25 per cent of the rate for an original inspection in bulk.

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

Enactments	Commodity	Unit	Fees per Unit		
			£	s.	d.
Section 2(4) of the Fees (Increase) Act 1923 —cont.	*Dried fish	56 lbs.	0	0	9
	Tinned fish	48 lbs.	0	0	3
	Fresh potatoes	112 lbs.	0	0	3
	Dried potatoes	56 lbs.	0	0	3
	Dried vegetables	12 lbs.	0	0	3
	Preserved vegetables	48 lbs.	0	0	3
	Peas, split and green	112 lbs.	0	0	5
	Haricot beans and butter beans	112 lbs.	0	0	5
	*Rice	112 lbs.	0	0	6
	Oatmeal	56 lbs.	0	0	3
	*Flour	Barrels	0	2	0
	*Flour	In bags, 196 lbs.	0	2	0
	Tea	10 lbs.	0	0	3
	Coffee	14 lbs.	0	0	3
	Cocoa	14 lbs.	0	0	3
	Sugar	112 lbs.	0	0	5
	*Butter (tinned)	Sealed in cases, 112 lbs.	0	7	6
	*Butter	Sealed in tins, 14 lbs.	0	1	3
	*Butter (not tinned)	112 lbs.	0	7	6
	*Marmalade and jam	56 lbs.	0	1	0
	Syrup	56 lbs.	0	0	3
	*Suet in tins	48 lbs.	0	2	0
	*Pickles	Gallon	0	0	5
	*Pickles	In quart bottles, dozen	0	1	3
	*Pickles	In pint bottles, dozen	0	1	0
	Dried fruits	28 lbs.	0	0	3
	Fine salt	56 lbs.	0	0	3
	Mustard	6 lbs.	0	0	3
	Pepper	6 lbs.	0	0	3
	Curry Powder	6 lbs.	0	0	3
	Onions, fresh	112 lbs.	0	0	3
	Ghee	80 lbs.	0	3	3
	Bacon and Ham	200 lbs.	0	3	3
	†Bacon and Ham (tinned)	48 lbs.	0	0	7
	Lentils	112 lbs.	0	0	5
	Breakfast Cereals	In packets, dozen	0	0	4
	Milk dried	112 lbs.	0	4	3
	Cooking Fat & Margarine	112 lbs.	0	3	9
	Cooking Fat & Margarine (tinned)	112 lbs.	0	4	3
	Cheese	112 lbs.	0	4	3
	†Fruits, Tinned	48 lbs.	0	0	7
	Sauces	In 10 fluid oz. bottles, on every dozen	0	0	9
	Meat	In carcase, 200 lbs.	0	3	3
	Meat	In joints, 200 lbs.	0	4	3

* The fee for re-inspection in bulk of any of these articles, if previously sealed, shall be 25 per cent of the rate for an original inspection in bulk.

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

PART 8. FEES FOR INSPECTION OF CREW ACCOMMODATION

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 210(3) of the Merchant Shipping Act 1894.	For the inspection of places in any British ship occupied by seamen or apprentices and appropriated to their use:—			
	For each visit to the ship ...	4	15	0
	Maximum fee	20	0	0

PART 9. FEES FOR MEDICAL INSPECTION OF STEERAGE

PASSENGERS AND CREW OF AN EMIGRANT SHIP

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 306(2) of the Merchant Shipping Act 1894.	For the first 100, or fraction of 100, persons	13	15	0
	For each additional 100, or fraction of 100, persons	3	12	0

PART 10. FEES FOR MEASUREMENT OF SHIP'S TONNAGE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>			
		£	s.	d.	
Section 77(2) and 83 of the Merchant Shipping Act 1894.	(a) Subject to the provisions of paragraph (b) of this part of this Schedule, for measurement under Rule I of the Second Schedule to the Merchant Shipping Act 1894, and for re-measurement under section 77(2) of that Act, and in all other cases where, in consequence of alterations, re-measurement of the ship's under deck tonnage is required:—				
	Ships not exceeding 50 tons ...	10	0	0	
	Ships exceeding 50 tons but not exceeding 100 tons	20	0	0	
	For each additional 100 tons or fraction thereof above 100 tons but not exceeding 20,000 tons	2	10	0	
	For each additional 100 tons or fraction thereof exceeding 20,000 tons	1	8	6	
	For measurement under Rule II of the aforesaid Second Schedule one-half the foregoing fees shall be payable.				
	(b) For the re-measurement of any of the items specified in this paragraph the fees specified in this paragraph shall be payable in respect of each item, unless a fee is paid under paragraph (a) of this part of this Schedule for measurement or re-measurement done at the same time:—				
	(i) alterations on the upper deck;				

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 77(2) and 83 of the Merchant Shipping Act 1894— <i>cont.</i>	(ii) alterations in the engine room;	
	(iii) spaces referred to in section 78(2) of the Merchant Shipping Act 1894;	
	(iv) spaces referred to in section 79(1) of the said Act;	
	(v) spaces referred to in section 81 of the said Act;	
	(vi) spaces referred to in section 54 of the Merchant Shipping Act 1906 (a):—	
	Ships not exceeding 50 tons	2 10 0
	Ships exceeding 50 tons but not exceeding 100 tons	4 2 6
	For each additional 100 tons, or fraction thereof exceeding 100 tons ...	0 11 8
Maximum fee for each item	25 0 0	

PART 11. FEES FOR SURVEY OF EMIGRANT SHIPS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 360(2) of the Merchant Shipping Act 1894.	For not more than two visits to the ship	42 10 0
	For three, four or five visits to the ship	62 10 0
	For more than five visits to the ship	82 10 0

MISCELLANEOUS FEES

PART 12. FEES FOR ENGAGEMENT AND DISCHARGE OF SEAMEN (OTHER THAN MEMBERS OF THE CREWS OF FISHING BOATS)

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(2) of the Fees (Increase) Act 1923.	(a) For the engagement or discharge of seamen (other than members of the crews of fishing boats within the meaning of section 390 of the Merchant Shipping Act 1894) before a superintendent or his duly appointed deputy:—	
	For each of the first 100 men engaged	0 3 6
	For each man engaged in excess of 100 but not in excess of 500	0 2 3
	For each man engaged in excess of 500	0 1 2
	For each of the first 100 men discharged	0 3 6
	For each man discharged in excess of 100 but not in excess of 500	0 2 3
	For each man discharged in excess of 500	0 1 2

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 2(2) of the Fees (Increase) Act 1923 —cont.	(b) <i>Additional Fees for the Engagement and Discharge of Seamen on board ship:—</i> For the engagement and discharge of seamen (other than members of the crews of fishing boats as aforesaid) on board ship the fees specified in this paragraph shall be charged in addition to those specified in paragraph (a) of this part of this Schedule and the minimum fee for any visit of a superintendent or his duly appointed deputy to a ship for the purpose of the engagement or discharge of such seamen shall be £1 10s. 0d.:— For each of the first 35 men engaged For each visit of a superintendent or his duly appointed deputy to the ship:— If more than 35 men but not more than 100 men are engaged ... For every 50, or fraction of 50, men engaged in excess of 100 ... For each of the first 35 men discharged For each visit of a superintendent or his duly appointed deputy to the ship:— If more than 35 men but not more than 100 men are discharged... For every 50, or fraction of 50, men discharged in excess of 100 ... Provided that if any seamen are engaged on board a ship immediately after their discharge on board that ship the additional fee payable by reason of their engagement on board ship shall be half that specified above.	
		0 1 8
		3 0 0
		0 17 3
		0 1 8
		3 0 0
		0 17 3

**PART 13. FEES FOR SERVICES IN CONNECTION WITH AGREEMENTS
OPENED IN INDIA OR PAKISTAN**

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 125(3) of the Merchant Shipping Act 1894 as amended by section 33(2) of the Merchant Shipping (Safety Convention) Act 1949.	For certifying that a further agreement is a proper agreement in all respects under section 125 of the Merchant Shipping Act 1894 ...	1 3 0

PART 14. FEES FOR EXAMINATION FOR CERTIFICATES OF COMPETENCY AS MASTERS, MATES, ENGINEERS, SKIPPERS AND SECOND HANDS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>			
		£	s.	d.	
Section 97 of the Merchant Shipping Act 1894.	For examination for a certificate of competency on each occasion on which a candidate presents himself:—				
	(a) Master of a foreign-going ship	10	0	0	
	First mate of a foreign-going ship	6	0	0	
	Second mate of a foreign-going ship... ..	6	0	0	
	Master of a home-trade passenger ship	6	0	0	
	Mate of a home-trade passenger ship	3	0	0	
	If the examination in signalling is taken separately from the remainder of the examination for each attempt an additional fee of £3 0s. 0d. shall be payable.				
	If a candidate for a certificate of competency as a master or mate is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half the specified fee, subject to a minimum of £3 0s. 0d., shall be payable.				
	If the holder of a certificate of competency is examined for an endorsement of his certificate to the effect that the holder is qualified to act as master, first mate or second mate of a sailing ship, one-half the specified fee shall be payable.				
	(b) First class engineer:—				
	(i) for the full examination		10	0	0
	(ii) for Part A or Part B or a portion of either Part		5	0	0
	(iii) for endorsement of a first class engineer's certificate		5	0	0
	Second class engineer:—				
	(i) for the full examination		6	0	0
(ii) for Part A or Part B or a portion of either Part		3	0	0	
(iii) for endorsement of a second class engineer's certificate		3	0	0	
In relation to an engineer's certificate of competency "endorsement" means the endorsement of an ordinary (steam) certificate to the effect that the holder is qualified to act as first or second engineer, as the case may be, on board a motor vessel, or <i>vice versa</i> .					

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 97 of the Merchant Shipping Act 1894, as applied by section 414(1) of that Act.	(c) Skipper	6 0 0
	Second Hand	3 0 0
	If the examination in signalling is taken separately from the remainder of the examination an additional fee of £3 0s. 0d. shall be payable.	
	If a candidate for a certificate of competency as a skipper or second hand is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half of the specified fees shall be payable.	

PART 15. FEES FOR CERTIFICATES OF SERVICE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(1)(b) of the Fees (Increase) Act 1923.	For a certificate of service granted in pursuance of section 99 of the Merchant Shipping Act 1894 ...	2 0 0

PART 16. FEES FOR A CERTIFICATE OF SEA SERVICE FOR A.B.

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 126(2) of the Merchant Shipping Act 1894.	For a certificate of sea service issued under section 126 of the Merchant Shipping Act 1894, for entitlement to the rating of A.B.	0 2 0

PART 17. FEES FOR RECORDING INDENTURES OF APPRENTICESHIP

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(1)(c) of the Fees (Increase) Act 1923.	For recording an indenture of an apprenticeship to the sea service...	0 4 0

PART 18. FEES FOR REGISTRATION, TRANSFER AND MORTGAGE OF SHIPS (EXCLUDING VESSELS NOT EXCEEDING 10 TONS EMPLOYED SOLELY IN FISHING)

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 3 of the Merchant Shipping (Merchant Marine Fund) Act 1898.	(a) On initial registry, registry anew and transfer of registry:—	
	Ships not exceeding 1,500 tons	12 0 0
	For every 500 tons or part of 500 tons in excess of 1,500 tons	6 0 0
		up to a maximum of £100 0 0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 3 of the Merchant Shipping (Mercantile Marine Fund) Act 1898— <i>cont.</i>	(b) On transfer of mortgage, transfer by bill of sale, transmission, mortgage, and discharge of mortgage:—			
	According to the gross tonnage represented by the ships or shares of ships transferred, etc. (e.g. the transfer of 16/64 shares in a ship of 6,400 tons to be reckoned as the transfer of 1,600 tons):—			
	Ships not exceeding 400 tons	2	10	0
	For every 1,000 tons or part of 1,000 tons in excess of 400 tons ...	1	5	0

PART 19. FEES FOR INSPECTION OF REGISTER BOOK

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 64(1) of the Merchant Shipping Act 1894 as amended by section 33(2) of the Merchant Shipping (Safety Convention) Act 1949.	For each inspection of the register book	0	3	0

PART 20. FEES FOR COPIES OF, OR EXTRACTS FROM, DOCUMENTS ADMISSIBLE IN EVIDENCE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 695(2) of the Merchant Shipping Act 1894.	For a certified copy of the particulars entered by the registrar in the register book on the registry of a ship, together with a certified statement showing the ownership of the ship at the time being ...	0	8	8
	For a certified copy of any declaration or document, a copy of which is made evidence by the Merchant Shipping Acts	0	8	8
	For a certified copy of or extract from a document declared by the Merchant Shipping Acts to be admissible in evidence, each folio of 90 words or a part thereof ...	0	3	0

PART 21. FEES OF RECEIVERS OF WRECK

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 567(1) of the Merchant Shipping Act 1894.	<p>For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of ...</p> <p>For wreck taken by the receiver into his custody, a percentage of five per cent. upon the value thereof.</p> <p style="padding-left: 40px;">But so that in no case shall the whole amount of percentage so payable exceed fifty pounds.</p> <p>In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage; that is to say,</p> <p style="padding-left: 40px;">If that vessel with her cargo equals or exceeds in value one thousand two hundred pounds, the sum of four pounds for the first, and the sum of two pounds for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than one thousand two hundred pounds, one-half of the above-mentioned sum.</p>	1	2	6

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke the Merchant Shipping (Fees) Regulations 1962 and provide for the payment of increased fees for various services in relation to shipping.

 STATUTORY INSTRUMENTS

1964 No. 755

**NATIONAL HEALTH SERVICE, ENGLAND
AND WALES**

**The National Health Service (General Dental Services)
Regulations 1964**

<i>Made - - - -</i>	25th May 1964
<i>Laid before Parliament</i>	4th June 1964
<i>Coming into Operation</i>	29th June 1964

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The Minister of Health, in exercise of the powers conferred on him by sections 32, 38, 39, 40, 44, 45 and 74 of the National Health Service Act 1946(a), as amended by the National Health Service (Amendment) Act 1949(b), section 1 of the National Health Service Act 1951(c) and section 2 of the National Health Service Act 1952(d) as amended by the National Health Service Act 1961(e), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

PART I

General

Citation and commencement

1. These regulations may be cited as the National Health Service (General Dental Services) Regulations 1964, and shall come into operation on 29th June 1964.

(a) 9 & 10 Geo. 6. c. 81.

(b) 12, 13 & 14 Geo. 6. c. 93.

(c) 14 & 15 Geo. 6. c. 31.

(d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.

(e) 9 & 10 Eliz. 2. c. 19.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

“ the Act ” means the National Health Service Act 1946 ;

“ assistant ” means any practitioner employed either whole-time or part-time, under a contract of service, by another practitioner for the purpose of providing general dental services on behalf of that practitioner ;

“ the Board ” means the Dental Estimates Board constituted under part III of these regulations ;

“ chemist ” means any person on the pharmaceutical list of a Council ;

“ Council ” means the Executive Council constituted for any area ;

“ dental estimate form ” means the form set out in part II of schedule 4 to these regulations, or a form to the like effect ;

“ dental fitness ” means such a reasonable standard of dental efficiency and oral health as is necessary to safeguard general health, and “ dentally fit ” has a corresponding meaning ;

“ dental officer ” means any dental officer appointed by the Minister for a district for the purpose of advising the Minister, the Board, Councils, Local Dental Committees, and practitioners on questions arising in connection with estimates submitted or dental treatment given by practitioners, or the conditions under which general dental services are provided by practitioners ;

“ dental treatment ” means all proper and necessary treatment which a practitioner usually undertakes for a patient, including examination and advice, the obtaining of radiographs, scaling, treatment of the gums, fillings, extractions, crowning, provision of dentures and their repair and remaking, and the administration of anaesthetics in connection with any such treatment, and includes the giving of orders on the appropriate form for drugs or the supply of drugs in accordance with these regulations ;

“ deputy ” means a practitioner (including a partner) acting on behalf of another practitioner, otherwise than in the capacity of an assistant, for the purpose of providing general dental services ;

“ Drug Tariff ” means the statement prepared by the Minister under regulation 27 of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1962(a) ;

“ drugs ” means such drugs and medicines as are specified in schedule 3 to these regulations ;

“ emergency treatment ” means any treatment immediately required for the relief of pain or other urgent symptoms ;

“ enactment ” includes an enactment in a regulation ;

“ health centre ” means premises provided by a local health authority in accordance with the provisions of section 21 of the Act ;

“ patient ” means a person for whom a practitioner agrees to provide general dental services ;

“ practitioner ” means a registered dental practitioner ;

“ scale of fees ” means the scale of fees set out in schedule 5 to these regulations ;

“ supply ” in relation to an appliance includes replacement.

(2) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(3) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provisions thereof, as the case may be.

(4) The Interpretation Act 1889(a) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

General arrangements for provision of General Dental Services

Terms of service for practitioners

3.—(1) The arrangements which a Council are required by section 40 of the Act to make with practitioners for the provision of general dental services shall incorporate—

- (a) in the case of a practitioner undertaking to provide general dental services elsewhere than at a health centre, the terms of service contained in part I of schedule 1 to these regulations; and
- (b) in the case of a practitioner undertaking to provide general dental services at a health centre, the terms of service contained in part II of the said schedule.

(2) Where a practitioner provides general dental services both elsewhere than at a health centre and at a health centre, the arrangements shall incorporate the provisions contained in paragraph 1(a) and (b) of this regulation and whichever provisions are applicable shall apply.

Dental list

4.—(1) The Council shall prepare a list, to be called "the dental list", of the practitioners who, having applied, are entitled to be included in the list.

(2) Application by a practitioner for inclusion in the dental list shall be made by delivering or sending the application by post to the Council in the form set out in part I of schedule 4 to these regulations, or in a form to the like effect.

(3) The dental list shall contain, in addition to the names of practitioners—

- (a) the address of any surgery or health centre at which the practitioner undertakes to provide general dental services,
- (b) particulars of the days and hours at which he is or will be usually in attendance,
- (c) where two or more practitioners practise in partnership, the names of the partners,

and may, if the Council think fit, be so arranged as to show the part of the area in which each practitioner will provide treatment.

(4) A practitioner on the dental list shall within 14 days notify the Council of any change or addition affecting the entries which the dental list is required to contain in relation to him.

(5) Copies of the dental list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up to date.

(6) The Council shall send a copy of the dental list to the Minister, the Board and the Local Dental Committee and shall within 14 days inform each of them of any alterations which may from time to time be made therein. The Council shall also send, if requested to do so, a copy of the list to the Local Medical and Local Pharmaceutical Committees, the local health authority, the Regional Hospital Board, the Hospital Management Committees of hospitals serving the area, the Board of Governors of any teaching hospital in the area, and any chemist under contract with the Council to provide pharmaceutical services, and in such event at intervals of not more than 3 months shall notify them of any alteration made in the dental list.

(7) The Council shall give to the Board such information concerning the employment of assistants by practitioners as the Minister may require.

Removal of name of practitioner from dental list

5.—(1) Where a Council have determined in accordance with the succeeding provisions of this regulation that a practitioner whose name has been included for the preceding 6 months in the dental list—

- (a) has never provided general dental services for persons in the area since his name was last included in the list, or
- (b) has for the preceding 6 months ceased to provide such services for such persons,

the Council shall remove the practitioner's name from the dental list.

(2) Before making any determination under the last preceding paragraph, the Council shall

- (a) give the practitioner 28 days' notice of their intention to do so,
- (b) afford the practitioner an opportunity of making representations to the Council in writing or, if he so desires, orally to a committee appointed by the Council for the purpose, of which committee at least a third of the members shall be practitioners from a panel nominated by the Local Dental Committee and
- (c) consult the Local Dental Committee.

(3) Any document which is required or authorised to be given to a practitioner under this regulation may be given by delivering it to him or by sending it by recorded delivery service to the address last notified by him to the Council.

(4) Nothing in this regulation shall—

- (a) prejudice the right of a practitioner to have his name included again in the list of practitioners providing general dental services in the Council's area, in accordance with section 40 (2)(b) of the Act ; or
- (b) affect a practitioner who is called into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or who is serving in pursuance of the Army Reserve Act 1962(a), or who is called up for compulsory whole-time service by virtue of provisions contained in any enactment for the time being in force, or being liable under those provisions for such service is performing service equivalent thereto, and no determination under this regulation shall be made in respect of any such practitioner until 6 months after the completion of his service.

Arrangements for supply by practitioners of drugs

6.—(1) Where in the opinion of the Council a practitioner's surgery is so situated that it would be inconvenient for any of his patients to obtain drugs

from a chemist, the Council may require him to supply the drugs specified in schedule 3 to these regulations either (a) in respect of those patients or (b) in respect of all his patients:

Provided that the practitioner may if so requested by any such patient instead of supplying such drug give a prescription for the same to be supplied by a chemist.

(2) Notwithstanding anything contained in this regulation—

(a) a practitioner shall not be required to undertake the supply of drugs under this regulation if he satisfies the Council, or on appeal the Minister, that he is not in the habit of supplying drugs or that the patient can with at least equal facility obtain a supply of drugs from a chemist; and

(b) a practitioner shall be entitled to receive reasonable notice from the Council that he is required to undertake the supply of drugs or that such supply is to be discontinued.

Publication of particulars

7. The Council shall cause to be published, in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Council, including a statement of the places where copies of the terms of service for practitioners and copies of the dental list may be seen, the places at which any necessary forms of application are available, and any other particulars which the Council think proper.

PART III

Dental Estimates Board

Constitution

8.—(1) The Dental Estimates Board constituted by the National Health Service (General Dental Services) Regulations 1948(a) shall continue to subsist, subject to the provisions of these regulations, for the purpose of the approval of estimates for dental treatment and of carrying out the duties imposed on them by these regulations.

(2) The Board shall consist of a chairman and a vice-chairman who shall both be practitioners and 7 other members of whom 5 shall be practitioners.

(3) The chairman, vice-chairman and other members shall be appointed by the Minister after consultation with such organisations as the Minister may recognise as representative of practitioners.

(4) The Board shall continue to be a body corporate with perpetual succession and a common seal.

(5) The Board shall not acquire land except with the consent of the Minister.

Term of office

9. The members of the Board shall hold office during the Minister's pleasure.

Resignation or removal of members

10.—(1) A member of the Board who desires to resign his membership shall give notice in writing to the Minister.

(2) A member shall, unless the Minister otherwise directs, cease to hold office—

- (a) if he has not attended a meeting of the Board for 6 months ;
- (b) if he is adjudged bankrupt, or makes a composition or arrangement with his creditors ; or
- (c) if he is convicted of a criminal offence.

(3) A member, being either—

- (a) a person who holds any paid appointment or office, or other place of profit, in the disposal of a Regional Hospital Board, Hospital Management Committee, Board of Governors of a teaching hospital, or local health authority and who is dismissed from such appointment, office or place of profit, or
 - (b) a person whose name is removed under the provisions of section 42 of the Act from any list prepared under part IV of the Act,
- shall forthwith cease to be a member.

Officers

11.—(1) The Board shall appoint a person approved by the Minister to act as clerk and shall also appoint such other officers as may be necessary. The resolution appointing the clerk shall embody the terms on which the appointment is made.

(2) The Board shall pay to the clerk and to their other officers such remuneration as the Minister may authorise.

Chairman

12.—(1) At every meeting of the Board the chairman, if present, shall preside.

(2) If the chairman is absent from any such meeting, the vice-chairman if present shall act as chairman for the meeting, but otherwise the members present at the meeting shall elect from amongst themselves a person to act as chairman for the meeting.

Proceedings

13. The proceedings of the Board shall not be invalidated by any vacancy in the membership of the Board, or by any defect in the appointment or qualification of any member thereof.

Standing orders

14. The Board may make, vary and revoke standing orders, for the regulation of the proceedings and business of the Board, and in particular:—

- (a) for providing that such number of members of the Board, not being less than 4, as the standing orders may specify, shall form a quorum ; and
- (b) for providing that, subject to such exceptions and qualifications as may be specified in the standing orders, if a member of the Board has any pecuniary interest, direct or indirect, in any estimate or other matter relating to general dental services, he shall, as soon as practicable, disclose the fact to the chairman and shall not take part in the consideration or discussion of any question with respect to the estimate or other matter.

Voting

15. Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in case of an equal division of votes the chairman shall have a second or casting vote.

Minutes

16. Minutes of the proceedings at every meeting of the Board and a record of the attendance of members at such meeting shall be kept by the clerk or other officer appointed for the purpose.

Reports

17. The Board shall submit to the Minister as soon as may be after the 31st day of December in each year a report of the Board's proceedings for the year ending on that day and shall also furnish the Minister from time to time with such information in regard to their work as the Minister may require.

PART IV

Method of Obtaining General Dental Services

Application for services elsewhere than at a health centre

18. A person requiring general dental services may apply to a practitioner practising elsewhere than at a health centre whose name appears on any dental list.

Application for services at a health centre

19. A person requiring general dental services may apply to a practitioner practising at a health centre whose name appears on the dental list of the area in which the centre is situated.

Exercise of choice of practitioner in certain cases

20. The right to choose the practitioner by whom general dental services are to be provided or to sign an acknowledgment or declaration for the purposes of regulation 22, or the appropriate form for the purposes of regulation 24, of these regulations, shall be exercised:—

- (a) on behalf of any person under the age of 16, by the mother or, in her absence, the father, or in the absence of both parents, the guardian or other person who has the care of the child;
- (b) on behalf of any other person who on account of old age, sickness or other infirmity, is incapable of choosing a practitioner to provide any of the services, by a relative or any person who has the care of such person; and
- (c) on behalf of any person under the care of the managers of an approved school by the managers of the school or a person duly authorised by them in that behalf.

Examination by dental officer

21. It shall be a condition of obtaining general dental services that a person shall, if required by the Board or the Council, submit himself for examination by a dental officer whether during or after the provision of such services.

PART V

*Charges Payable by or on behalf of Patients**Charges for treatment and appliances*

22.—(1) A practitioner shall be entitled to make and recover:—

(a) the appropriate charge specified in the schedule to the National Health Service Act 1951, as varied by section 1 of the National Health Service Act 1961, in respect of the supply under these regulations of such dental appliances as are covered by the said schedule; and

(b) any charge authorised by section 2 of the National Health Service Act 1952, as so varied.

(2) In providing general dental services for which a charge can be made under this regulation a practitioner shall comply with the following provisions:—

(a) the practitioner shall obtain on part 10 of the dental estimate form, or on a form provided for the purpose by the Council, an acknowledgment by the patient or, where regulation 20 applies, by the appropriate person on his behalf, of his obligation to pay the said charge;

(b) the practitioner shall, on receiving a sum in payment or part payment of the said charge, give a receipt therefor on a form provided for the purpose by the Council.

(3) (a) A practitioner providing general dental services for a patient who claims exemption, or in respect of whom exemption is claimed, under section 2(4) of the said Act of 1952 or under section 1(3) of the said Act of 1961 from a charge recoverable under paragraph (1) of this regulation shall obtain from the patient or, where regulation 20 applies, from the appropriate person on his behalf, a declaration in support of the claim on part 10 of the dental estimate form or on a form provided for the purpose by the Council.

(b) It shall be a condition of exemption from a charge referred to in the preceding sub-paragraph that the declaration is made in the form and manner indicated therein and that such documentary evidence of pregnancy or confinement is produced to the Board as they may require.

(4) Any acknowledgment or declaration referred to in the last two preceding paragraphs shall be obtained by the practitioner before the dental estimate form is forwarded to the Board.

(5) Any fee which but for this regulation would be payable by a Council to a practitioner in respect of the provision of any service as part of general dental services shall be reduced by the amount payable in accordance with this regulation in respect of that service.

(6) Where a declaration in support of a claim to exemption is made under the provisions of paragraph 3(a) of this regulation but the claim is not substantiated and in consequence of the claim a practitioner has not recovered a charge in respect of the completion of treatment, the Council shall be entitled to recover the said charge from the person concerned, whether or not such person has acknowledged the obligation to pay the charge in accordance with the provisions of paragraph (2) of this regulation.

(7) In relation to general dental services provided at health centres, paragraphs (1), (2) and (3) of this regulation shall have effect as if for reference to a practitioner there were substituted references to a Council, and paragraphs (4), (5) and (6) shall not apply.

(8) Any payment required to be made under this regulation shall be without prejudice to any other charge authorised by these regulations and shall not include any charge made in respect of the replacement of a denture where the replacement is required in consequence of loss or damage.

Charges for drugs

23. Any patient supplied with drugs by a practitioner in accordance with the requirements of paragraph 10(3) of part I of schedule 1 to these regulations shall be liable to pay to the practitioner a charge of 2 shillings in respect of each quantity of a drug supplied on any one occasion:

Provided that the supply of quantities of the same drug in more than one container shall be deemed to be the supply of one quantity of a drug only.

Additional charges for more expensive dental appliances and treatment

24.—(1) Where a practitioner agrees at a person's request and as part of general dental services:—

- (a) to supply a denture which is of a more expensive type than a suitable less expensive denture made of synthetic resin, vulcanite or metal with the same number of teeth, or
- (b) to repair such a denture at a cost in excess of the cost of repairing a suitable less expensive denture made of synthetic resin, vulcanite or metal with the same number of teeth, or
- (c) to supply a dental bridge at a cost in excess of the cost of supplying a suitable denture made of synthetic resin, vulcanite or metal with the same number of teeth, or
- (d) to provide dental treatment consisting of gold fillings, or of inlays or crowns,

he shall submit to the Board

- (i) an estimate for a suitable denture made of synthetic resin, vulcanite or metal, or for its repair, or for appropriate conservative treatment covered by item 6 or item 22 of the scale of fees, as the case may be, on a dental estimate form, and
- (ii) a further estimate for an additional charge on the form set out in part III of schedule 4 to these regulations or on a form to the like effect.

The practitioner shall obtain the signature of the person concerned to the further estimate before submitting the forms, and he shall not proceed with any treatment specified in column B of schedule 2 to these regulations other than emergency treatment and the treatment of British merchant seamen and deep sea fishermen about to go to sea, until approval is given.

(2) If the Board approve the estimate, they shall indicate in part 6 of the dental estimate form the additional charge determined in accordance with the provisions of regulation 28(2) of these regulations to be paid by the patient and shall inform him of the amount.

(3) The Council shall be liable to the practitioner for such part only of the cost of services to which this regulation applies as is not by this regulation made the responsibility of the patient.

(4) Any denture or bridge or treatment supplied or provided under this regulation which, in the opinion of the Board, is required by the patient solely because of his clinical condition, or any repair of a denture so supplied, shall be supplied or provided without cost to the patient under this regulation.

(5) The provisions of this regulation shall have effect without prejudice to the provisions of regulation 22 of these regulations.

Charges for replacement necessitated by lack of care

25.—(1) Where on the receipt of an estimate for the replacement of a dental appliance supplied to a patient as part of general dental services, the Board consider that there are grounds for believing that the replacement may be necessitated by lack of care on the part of the patient, they shall refer the matter to the Council for investigation.

(2) On receipt of such reference the Council shall make such inquiry into the matter as they think fit and if in their opinion the circumstances so require, or if the patient so demands, the inquiry shall take the form of an oral hearing by a committee of the Council constituted for this purpose.

(3) After the completion of such inquiry the Council shall determine whether the replacement is necessitated by lack of care on the part of the patient and whether the whole or a proportion of the cost of the replacement shall be borne by the patient, and shall communicate their decision to the patient, the practitioner and the Board, and the Council shall be responsible for the payment of such part only of the cost as is not determined to be payable by the patient:

Provided that if subsequently it appears to the Council that the payment of the sum so determined to be payable by the patient would involve undue hardship, they may make such contribution thereto as they think fit.

Provisions applicable to services at health centres

26. In their application to general dental services provided at a health centre, the provisions of regulations 24 and 25 of these regulations shall be subject to the following modifications :—

- (a) where at the request of a person a practitioner agrees to supply or repair a denture or supply a dental bridge or to provide treatment of a kind specified in regulation 24, the practitioner shall not be required to submit an estimate to the Board but, in lieu thereof, he shall give notice to a dental officer on a form to be supplied by the Council and shall not proceed with any treatment specified in column B of schedule 2 to these regulations, other than emergency treatment and the treatment of British merchant seamen and deep sea fishermen about to go to sea, until the approval of the dental officer is received. The notice to be given shall specify the sum to be paid by the person, which shall be determined in accordance with the provisions of regulation 28(2) of these regulations as if the service had been provided by a practitioner practising elsewhere than at a health centre, and shall be subject to the approval of the dental officer ;
- (b) any service provided under the last preceding paragraph which in the opinion of the dental officer is required by the patient concerned solely because of his clinical condition shall, subject to the provisions of regulation 22 of these regulations, be provided free of charge to that patient ;
- (c) where in connection with the replacement of a dental appliance supplied to any patient as part of general dental services, it appears to the practitioner that there is reason to suppose that such replacement is necessitated by lack of care on the part of the patient, he shall, unless such patient admits in writing that the replacement is so necessitated, report the

matter to the Council. The Council shall thereupon investigate the case in the manner provided by regulation 25(2). If on such investigation the Council are satisfied that the replacement is not necessitated by such lack of care as aforesaid, they shall so inform the patient and the practitioner. If such lack of care is admitted or determined as aforesaid, the Council shall be entitled to recover from such patient the appropriate cost for such service which would have been payable to a practitioner practising elsewhere than at a health centre or such part of such cost as the Council may determine.

Recovery of charges

27. The practitioner, or in relation to a case falling within regulation 22(6) of these regulations or to general dental services provided at health centres, a Council, shall be entitled to make and recover summarily as a civil debt from any person who receives services or drugs under this part of these regulations the appropriate charges payable by the person in accordance with these regulations, and the practitioner may decline to commence or proceed with treatment until he or, as the case may be, the Council, has received payment thereof.

PART VI

Remuneration of Dental Practitioners

Practitioners practising elsewhere than at a health centre

28.—(1) The Board on receipt of a dental estimate form duly completed in the manner provided by these regulations shall, where they approve the estimate, authorize in accordance with the scale of fees, the fees to be paid to the practitioner in respect of the treatment specified in part 2 of the form.

(2) The Board on receipt of an estimate on the form set out in part III of schedule 4 to these regulations shall, in any case to which the provisions of regulation 24(1) of these regulations apply, authorize—

(a) the additional charge payable by a person provided with treatment under regulation 24(1)(a), (b) or (c), by subtracting from the fees approved by the Board in accordance with the scale of fees, the fees which would have been payable thereunder for the supply of a suitable denture made of synthetic resin, vulcanite or metal with the same number of teeth, or for the repair of such a denture, as the case may be ;

(b) the additional charge payable by a person provided with treatment under regulation 24(1)(d), by subtracting from the fees approved by the Board in accordance with the scale of fees, the fees which would have been payable for suitable conservative treatment covered by item 6 or item 22, whichever is the case, of the scale of fees.

(3) The Board may at their discretion, in cases of orthodontic treatment, authorize payments on account pending completion of treatment.

Conditions of payment

29. The fees and charges provided for in the last preceding regulation shall be payable only if the practitioner complies with the conditions set out in part VII of schedule 5 to these regulations.

Drugs

30.—(1) The fees payable by a Council to a practitioner in respect of drugs supplied by him either in pursuance of regulation 6 of these regulations or in pursuance of paragraph 10(1) of part I of schedule 1 to these regulations for use before a supply can be obtained otherwise under the regulations shall be calculated in accordance with the provisions of the Drug Tariff.

(2) The fees payable under this regulation in respect of any drugs so supplied shall be reduced by an amount equal to any charge received or recoverable by the practitioner in respect of such supply under regulation 23 of these regulations.

Additional payment to practitioner

31. In respect of general dental services provided by a practitioner, under a contract or arrangement entered into or made on or after 21st October 1963, there shall be paid to him by the Council, in addition to the fees authorised in respect of those services under regulation 28 of these regulations, a sum equal to one per cent. of the amount of those fees.

Practitioners practising at a health centre

32. The remuneration payable by a Council to a dental practitioner practising at a health centre shall be calculated in accordance with the rates and subject to the provisions set out in schedule 6 to these regulations.

Recovery of overpayments

33.—(1) Where the Board or the Council consider that they have authorised the payment of a fee, or made a payment, as the case may be, to a practitioner owing to an error or in circumstances when it was not due and the overpayment is admitted by the practitioner, it shall be deducted from his remuneration. Where the overpayment is not so admitted, the Council may refer the matter under regulation 4(5) of the National Health Service (Service Committees and Tribunal) Regulations 1956(a) for investigation, and if the Council or the Minister on appeal decide that there has been an overpayment, the amount overpaid shall be recovered by deduction from the practitioner's remuneration or otherwise.

(2) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

PART VII

*Miscellaneous**Application of regulations to Isles of Scilly*

34. In their application to the Isles of Scilly these regulations shall have effect subject to the modification that any provision in the regulations requiring consultation with, or the agreement or opinion of, the Local Dental Committee in respect of any matter or requiring appointment to a committee from a panel nominated by the Local Dental Committee, shall not apply to the Executive Council for the Isles of Scilly unless a Local Dental Committee has been formed for the Isles and recognised by the Minister under section 32 of the Act.

(a) S.I. 1956/1077 (1956 I, p. 1554).

Revocation of regulations

35. The regulations named in schedule 7 to these regulations are hereby revoked:

Provided that—

- (a) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those regulations;
- (b) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;
- (c) such revocation shall not affect any acknowledgement, agreement, appeal, application, appointment, approval, arrangement, authority, condition, contract, decision, declaration, direction, determination, estimate, form, list, notice, requirement or tariff, made, prepared, issued or given under the regulations so revoked, and every such acknowledgement, agreement, appeal, application, appointment, approval, arrangement, authority, condition, contract, decision, declaration, direction, determination, estimate, form, list, notice, requirement or tariff shall, so far as it could have been made, prepared, issued or given under these regulations, have effect as if it had been so made, prepared, issued or given;
- (d) regulation 31 of, and schedules 2 and 5 to, the regulations in force immediately before 2nd July 1962 shall apply to general dental services given under a contract or arrangement entered into or made before that date.

SCHEDULE 1

PART I

Terms of Service for Dental Practitioners Practising Elsewhere than at a Health Centre

Interpretation

1. In these terms of service, unless the context otherwise requires, the expression "the regulations" means the National Health Service (General Dental Services) Regulations 1964, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations and of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956 affecting the rights and obligations of practitioners shall be deemed to form part of these terms of service.

Standard of service

3.—(1) In providing general dental services under the regulations a practitioner shall employ a proper degree of skill and attention and except where the treatment provided is solely treatment mentioned in paragraph 8 hereof shall provide the treatment necessary to secure dental fitness which the patient is willing to undergo, and shall, subject to the provisions of paragraph 9 hereof, satisfactorily complete that treatment.

(2) A practitioner shall provide proper and sufficient surgery and waiting-room accommodation for his patients.

(3) A practitioner's surgery shall be furnished with suitable equipment and a practitioner shall provide treatment with suitable instruments.

(4) A practitioner on receipt of reasonable notice in writing shall admit a dental officer at all reasonable times to any surgery or waiting-room under the practitioner's control for the purpose of inspecting the same.

(5) A practitioner shall visit and treat a patient whose condition requires a visit, at any place where that patient may be at the time within 5 miles of his surgery.

(6) A practitioner shall be responsible for providing the services of a medical or dental practitioner when necessary for the administration of an anaesthetic in connection with any operation undertaken by him under these terms of service.

Reference to another practitioner or to hospital and specialist services

4. If the condition of a person requiring general dental services is such as to require treatment which the practitioner is unable to carry out, but such treatment to the knowledge of the practitioner can be provided by another practitioner under general dental services, or is available as part of the hospital and specialist services provided under part II of the Act, the practitioner shall inform the said person of the fact and, if the person so wishes, the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a person to another practitioner or to the hospital and specialist services, the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards, and shall indicate on the dental estimate form that the patient has been so referred for the required treatment.

Records

5. In each case in which a practitioner provides treatment under the regulations, he shall keep a record in the form set out in part IV of schedule 4 to the regulations, to be provided by the Council, or in a form substantially to the like effect. The record card shall be the property of the practitioner, who shall be under a duty to retain it and, if required to do so, produce or send it within 14 days to the Board, the Council or a dental officer. Such duty shall continue for a period expiring, in the case of treatment on an estimate requiring the Board's prior approval, 4 years after the end of the financial year ending on the 31st March in which payment was made in respect of that treatment, or in any other case, 2 years after the end of such financial year.

Fees and remuneration

6.—(1) A practitioner shall be paid such fees and other remuneration as are determined under the regulations to be payable in respect of any treatment which he is required to give under these terms of service.

(2) Except as otherwise provided in the regulations, a practitioner shall not suggest, demand or accept from any patient or from any other person the payment of any fee or remuneration in respect of any treatment which he is required to give under these terms of service:

Provided that nothing in this sub-paragraph shall deprive the practitioner of any right to recover a reasonable charge from any patient in respect of loss of remunerative time resulting from failure of that patient without sufficient excuse to keep an appointment.

(3) A practitioner shall not submit a dental estimate form claiming payment for the provision of general dental services:—

(a) which have not been provided or for which a claim has already been submitted to the Board; or

(b) for which payment is excluded by the provisions in the scale of fees precluding payment for (i) services provided within a specified period of time, or (ii) services provided within a specified period of time without the prior approval of the Board; or

- (c) which have been provided otherwise than in accordance with the conditions with respect to materials set out in part VII of schedule 5 to the regulations.

Use of dental estimate form and provision of treatment

7.—(1) (a) In accepting a person for treatment a practitioner shall—

- (i) complete part 8 of the dental estimate form, stating whether acceptance is for treatment as detailed or for emergency treatment, and give it to the patient ;
- (ii) secure the completion of part 10 of the form so far as applicable and the signing thereof by the patient or, where regulation 20 of the regulations applies, by the appropriate person ;
- (iii) examine the patient and complete part 1 by charting therein in relation to the patient (a) all missing teeth, and (b) in teeth for which the practitioner proposes to provide conservative treatment, all cavities and existing conservative treatment ;
- (iv) set out in column 1 of part 2 of the form the whole of the treatment necessary in his opinion to render the patient dentally fit, and if the patient is not willing to undergo the whole of such treatment set out in column 2 of that part the particulars of such part of that treatment as the patient is willing to undergo ;
- (v) insert the particulars required at the right hand side of the said column 2 so far as appropriate ;
- (vi) complete part 5 of the form and (so far as possible) part 3.

(b) A practitioner shall not set out in part 2 of the form treatment not necessary in his opinion to render the patient dentally fit.

(c) Before sending the form to the Board for approval of the estimate therein, in any case in which under these terms of service such approval is required before treatment is commenced, the practitioner shall complete part 4 of the form.

(d) Upon completing treatment for a patient, a practitioner shall enter the required particulars (including the name, initials and profession of any anaesthetist, and the name and initials of any person other than himself operating during anaesthesia) in part 7 of the form and sign such part in his own handwriting, insert the date of completion in the appropriate place in part 2, and obtain in part 11 a certificate from the patient or other duly authorised person that, to the best of his belief, treatment has been completed.

(2) Where the extent of the treatment which the patient is willing to undergo does not include treatment specified in column B of schedule 2 to the regulations, the practitioner may proceed with and complete the treatment before sending the dental estimate form to the Board for approval.

(3) Where the treatment which the patient is willing to undergo includes treatment specified in column B of schedule 2, the practitioner shall as soon as may be, and in any case within 10 days after making the examination, send the dental estimate form to the Board for approval, and shall not proceed with any treatment specified in the said column B other than emergency treatment until such approval is received:

Provided that the practitioner may proceed immediately with the treatment of British merchant seamen and deep sea fishermen about to go to sea, and in such event shall send the form to the Board for approval immediately after making the examination.

(4) (a) If during the course of treatment in respect of which prior approval of an estimate is not required, any variation or addition such as would have made the treatment subject to prior approval is found to be necessary, the restrictions on treatment provided by paragraph 7(3) hereof shall apply to such part of the treatment as has not been commenced and the practitioner shall as soon as reasonably practicable submit to the Board an estimate of the whole of the treatment necessary (including that which has been begun).

(b) If during the course of treatment in respect of which prior approval of an estimate is required, any variation of or addition to such estimate is found to be necessary, and relates to an item of treatment requiring prior approval, the practitioner shall without delay re-submit the estimate to the Board for approval and the Board may withdraw or vary their original approval in so far as treatment has not yet been carried out in accordance with such approval, or add thereto and, until the decision of the Board is received by the practitioner, the restriction on proceeding with treatment contained in paragraph 7(3) hereof shall apply.

(c) Where in consequence of any proceedings under the National Health Service (Service Committees and Tribunal) Regulations 1956 in respect of general dental services provided in the area of any Council, a practitioner is required for any period to submit to the Board for prior approval all estimates in respect of any treatment (other than examination or emergency treatment), he shall during that period submit all such estimates whether relating to services in that or in any other area within 10 days after making the examination to the Board for approval and shall not carry out such treatment until the approval of the Board has been obtained.

(5) The practitioner shall complete treatment with reasonable expedition and shall not take longer than 6 months from the date upon which the patient is accepted by him for treatment, or where prior approval of the estimate is required, from the date on which such approval is received by him, as the case may be:

Provided that:—

- (a) the time limit shall be 12 months in the case of treatment including extractions and the consequent provision of dentures or such period as may be allowed by the Board in the case of orthodontic treatment ;
 - (b) treatment so far as it relates to the provision of dentures shall not be regarded as completed unless the dentures have been delivered to and remain in the possession of the patient ;
 - (c) the time limit shall not apply where any delay is due to failure by the patient to attend for treatment or where the Board are satisfied that there is other sufficient reason.
- (6) Where a deputy or assistant signs a dental estimate form or any part of it on behalf of the practitioner whose name is inserted in part 5 of the form he shall do so in his own name, and except in the case of a partner whose name is included in the dental list shall also insert the name of the practitioner on whose behalf he is acting.
- (7) The practitioner shall within one month of the completion of the treatment send to the Board the dental estimate form.
- (8) Where a practitioner has been notified that a person for whom he has provided general dental services has been requested to submit himself for examination by a dental officer or that the dental services committee or denture conciliation committee set up under the National Health Service (Service Committees and Tribunal) Regulations 1956 will investigate a complaint or reference relating to such services, the practitioner shall not, until he has been notified that the examination has been carried out or cancelled, or that the investigation has been completed by the committee, or that the committee has no objection, provide any treatment other than emergency treatment to that person, and shall take all reasonable steps to facilitate the said examination or investigation.

Use of modified dental estimate form

8.—(1) Notwithstanding anything contained in paragraph 7 hereof, a practitioner may in providing such treatment as is mentioned in sub-paragraph (2) of this paragraph (being treatment which may be carried out without the prior approval of the Board) submit a dental estimate form with the following modifications—

- (a) part 1 of the form shall be cancelled by means of a line in ink drawn diagonally across it ;

(b) only the treatment carried out need be set out in part 2, column 2 being used for this purpose.

(2) The items of treatment to which this paragraph applies are the following:—

(a) repairs to dentures at a scale cost not exceeding £1 14s. 6d. per denture;

(b) the following items of emergency treatment:—

(i) not more than two extractions;

(ii) the administration of a general anaesthetic;

(iii) the dressing of teeth;

(iv) arrest of abnormal haemorrhage;

(v) a single radiological examination involving one intra-oral or extra-oral film in connection with either an extraction, or the dressing of teeth covered by this sub-paragraph;

(vi) domiciliary visits in connection with any of the said items (i) to (v).

(3) Where a practitioner submits a dental estimate form modified in accordance with the provisions of this paragraph, no fee shall be payable for a clinical examination and report.

(4) A practitioner shall not submit a dental estimate form modified under the provisions of this paragraph in respect of treatment of the kind specified in sub-paragraph (2) of this paragraph, where he has previously accepted the same patient for other treatment, not yet completed, or where on the same day he accepts him for other treatment. For the purposes of this sub-paragraph other treatment shall not include orthodontic treatment only.

Inability or unwillingness of practitioner to complete treatment

9.—(1) If owing to any cause beyond the control of the practitioner or because the practitioner refers a patient for treatment under paragraph 4 hereof, he is unable to complete any treatment which has been commenced, he shall forthwith notify the Board in writing of the amount of treatment completed, and of the reason for his inability to complete the remainder, and shall be entitled to such payment as may be approved by the Board in respect of such treatment as has already been provided.

(2) The Council may, on the application of a practitioner, authorise him on such terms as they think just to discontinue any treatment which he has commenced, but before doing so they shall consider any representations which the patient may wish to make with respect to the application. If the application is granted the patient and the Board shall be so informed and the practitioner shall be entitled to such payment as may be approved by the Board in respect of such treatment as has already been provided.

Drugs

10.—(1) A practitioner may supply to a patient such drugs (being drugs specified in schedule 3 to the regulations) as are required for immediate administration or application or for use before a supply can be obtained under the next following paragraph.

(2) A practitioner may supply any other drug which is administered by him in person.

(3) A practitioner shall supply all requisite drugs which under regulation 6 of the regulations he is required by the Council to supply.

11.—(1) A practitioner shall order, on a form to be provided by the Council for the purpose, such drugs specified in schedule 3 to the regulations (other than those supplied under paragraph 10 hereof) as are requisite for the treatment of any patient. The order shall be signed by the practitioner or by his deputy or assistant in his own handwriting and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs to a previous order.

(2) A deputy or assistant shall in addition to signing his own name on any prescription form insert therein the name of the practitioner for whom he is acting.

(3) The form shall not be used for persons other than patients for whom the practitioner is providing general dental services and a separate form shall be used for each patient.

Deputies and assistants

12.—(1) Save as provided in this paragraph or in paragraphs 4, 13 and 14 hereof, all treatment shall be given by a practitioner personally, provided that where he is prevented by reason of temporary absence from his practice through illness or other reasonable cause, treatment may be given by a deputy.

(2) In the case of two or more practitioners practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner who is responsible for the patient's treatment, if reasonable steps are taken to secure continuity of treatment.

(3) A practitioner shall not employ more than two assistants for the provision of general dental services without the consent of the Council or on appeal the Minister, and before giving any consent under this sub-paragraph the Council shall consult the Local Dental Committee:

Provided that:—

(i) any practitioner employing more than two assistants on 29th June 1964 shall be deemed to have received consent to employ those practitioners employed on that date for a period of 6 months.

(ii) Any consent given by or under this sub-paragraph shall be subject to review by the Council in consultation with the Local Dental Committee not less than once a year.

(4) A practitioner shall notify the Council of the employment of an assistant within 7 days of the first day of employment, and forward to the Council such particulars concerning the assistant as the Council may require. Where a practitioner ceases to employ an assistant he shall notify the Council within 7 days of the cessation of employment.

(5) If a practitioner intends to absent himself from his practice for more than 21 consecutive days he shall notify the Council or the persons for whom he is providing general dental services of his intended absence and of the deputy or assistant (if any) responsible for giving treatment during his absence.

(6) A practitioner who intends to be or is absent from his practice for more than 2 months shall notify the Council in writing and shall not employ an assistant after that period without the consent of the Council.

(7) A practitioner shall not employ as an assistant any practitioner who is included in the Council's dental list as a practitioner undertaking to provide general dental services at a surgery or suite of surgeries at which the first named practitioner undertakes to provide general dental services.

(8) Where a practitioner employs an assistant who to the practitioner's knowledge is subject to a requirement to submit estimates of any treatment (other than examination or emergency treatment) to the Board for prior approval, he shall not allow that assistant to carry out such treatment unless the prior approval of the Board has first been obtained.

(9) A practitioner shall not, without the consent of the Minister, employ as a deputy or assistant for the purpose of the provision of general dental services any practitioner who is disqualified for inclusion in the dental list of a Council under section 42 of the Act.

(10) A practitioner shall be responsible for all acts and omissions of any practitioner acting as his deputy or assistant.

(11) A deputy shall be entitled to provide treatment at places or at times other than those arranged by the practitioner for whom he is acting, due regard being had to the convenience of the persons for whom the treatment is provided.

Anaesthetics and arrest of haemorrhage

13.—(1) Administration of a general anaesthetic may be given by a medical or dental practitioner on behalf of the practitioner responsible for the treatment.

(2) For the purpose of treating a patient for the arrest of abnormal haemorrhage a practitioner may make arrangements with a medical practitioner to provide the treatment on his behalf.

Dental hygienists

14. A practitioner may employ a dental hygienist, being an ancillary dental worker whose name appears on the Roll of Dental Hygienists kept by the General Dental Council in accordance with the provisions of regulations made or having effect under section 41 of the Dentists Act 1957(a), and such practitioner shall be responsible for all acts and omissions of the dental hygienist.

Fair wages for dental technicians

15. A dental practitioner who employs a dental technician or dental technicians shall pay rates of wages and observe hours and conditions of work not less favourable than those approved for the time being by the National Joint Council for the Craft of Dental Technicians.

Revision of terms of service

16.—(1) The Council may, with the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alteration to each practitioner.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of any regulation, the Council shall before making an alteration consult with the Local Dental Committee and the alteration shall not come into operation within a period of 3 months from the date of the issue of the notice.

Withdrawal from dental list

17. A practitioner shall be entitled at any time to give notice in writing to the Council that he desires to withdraw his name from the dental list and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Council may agree:

Provided that—

- (a) if representations are made to the Tribunal under section 42 of the Act that the continued inclusion of a practitioner in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Minister and subject to such conditions, if any, as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations, and
- (b) where any treatment has been commenced the practitioner shall make satisfactory arrangements for the treatment to be completed.

Disputes, appeals, etc.

18. The terms of service relating to the following matters are contained in part II of the National Health Service (Service Committees and Tribunal) Regulations 1956—

- (a) the investigation of questions arising between practitioners and their patients, and other investigations to be made by the dental services committee, the joint services committee and the denture conciliation committee, and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from a practitioner where there has been a breach of the terms of service;
- (b) appeals to the Minister from decisions of the Council and the Board;
- (c) the investigation of record keeping;
- (d) the investigation of excessive dental treatment.

Issue of notices to practitioners

19. Any notice which a Council is required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been delivered to the practitioner or sent by post to him at the address last notified by him to the Council. If the notice is sent by post, it shall be deemed, until the contrary is proved, to be served at the time at which a letter would be delivered in the ordinary course of post.

PART II*Terms of Service for Dental Practitioners Undertaking to Provide General Dental Services at a Health Centre**Interpretation*

1. In these terms of service, unless the context otherwise requires, the expression "the regulations" means the National Health Service (General Dental Services) Regulations 1964, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations and of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956 affecting the rights and obligations of practitioners shall so far as they are applicable be deemed to form part of these terms of service.

Attendance

3.—(1) A practitioner shall attend at the health centre on such days and at such hours as may be agreed between the Council and the practitioner.

(2) The practitioner shall not, without the permission of the Council, be entitled to provide at the health centre any dental treatment other than general dental services under the regulations.

Standard of service

4. In providing general dental services a practitioner shall employ a proper degree of skill and attention and shall provide the treatment necessary to secure dental fitness which the patient is willing to undergo and shall, subject to the provisions of paragraph 13 hereof, satisfactorily complete that treatment.

Acceptance of applicant for treatment

5. On accepting an application for treatment the practitioner shall request the applicant to sign such form as may be provided by the Council for the purpose.

Admission of dental officers

6. A practitioner shall admit a dental officer at all reasonable times to any surgery or waiting room used by the practitioner at the health centre for the purpose of examining the services provided.

Visiting

7. A practitioner shall visit and treat a patient whose condition requires a visit at any place where that patient may be at the time which is not more distant than 5 miles, or such other distance from the health centre as may be agreed by the Council and the practitioner.

Anaesthetics

8. A practitioner shall be responsible for providing the services of a medical or dental practitioner when necessary for the administration of an anaesthetic in connection with any operation undertaken by him under these terms of service.

Reference to another practitioner or to hospital and specialist services

9. If the condition of a person requiring general dental services is such as to require treatment which the practitioner is unable to carry out, but such treatment to the knowledge of the practitioner can be provided by another practitioner whose name appears on any dental list, or is available as part of the hospital and specialist services provided under part II of the Act, the practitioner shall inform the said person of the fact and, if the person so wishes, the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a person to another practitioner or to the hospital and specialist services, the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards.

Records

10. In each case in which a practitioner provides treatment under the regulations, he shall keep a record in a form to be provided by the Council for the purpose. The record shall be the property of the Council and shall be made available for inspection to the dental officer at all reasonable times. The practitioner shall also supply to the dental officer such information with regard to the treatment of patients as he may request.

Fees

11.—(1) A practitioner shall be paid such remuneration in respect of his obligations under these terms of service as is provided for by regulation 32 of the regulations.

(2) Except as otherwise provided in the regulations, a practitioner shall not suggest, demand or accept from any patient or from any other person the payment of any fee or remuneration in respect of any treatment which he is required to give under these terms of service. The practitioner shall account for and pay over to the Council, in such manner as they may require, any fees received by him in respect of treatment falling within the provisions of part V of the regulations.

Consultation with dental officer

12. Where a practitioner proposes to provide a service of a kind specified in regulation 24 of the regulations solely on account of the clinical condition of the person concerned and not at his request, the practitioner shall give notice of the proposal to the dental officer on a form to be provided by the Council and shall not proceed with any treatment specified in column B of schedule 2 to the regulations other than emergency treatment, and the treatment of British merchant seamen and deep sea fishermen about to go to sea, until the dental officer's approval has been received.

Treatment not completed

13. If owing to any cause beyond the control of the practitioner or because he refers the patient for treatment under paragraph 9 hereof, he is unable to complete any treatment which has been commenced, he shall forthwith notify the dental officer in writing of the amount of treatment completed, and of the reason for his inability to complete the remainder, and if the treatment is given under regulations 24 to 26 of the regulations, he shall be entitled to claim from the person concerned such fees based on the appropriate scale as may be approved by the dental officer in respect of such treatment as has already been provided.

Completion of treatment

14. A practitioner shall complete treatment with reasonable expedition and shall not take longer than 6 months from the date upon which the patient is accepted by him for treatment:

Provided that:—

- (i) the time limit shall be 12 months in the case of treatment including extractions and the consequent provision of dentures ;

- (ii) treatment so far as it relates to the provision of dentures shall not be regarded as completed unless the dentures have been delivered to and remain in the possession of the patient ;
- (iii) the time limit shall not apply where any delay is due to failure by the patient to attend for treatment or where the dental officer is satisfied that there is other sufficient reason.

Drugs

15.—(1) A practitioner may supply to a patient such drugs (being drugs specified in schedule 3 to the regulations) as are required for immediate administration or application or for use before a supply can be obtained under the next following paragraph.

(2) A practitioner may supply any other drug which is administered by him in person.

(3) Any drug supplied under this paragraph shall be obtained by the practitioner in such manner as the Council may require.

16. A practitioner shall order, on a form to be provided by the Council for the purpose, such drugs specified in schedule 3 to the regulations (other than those supplied under paragraph 15 hereof), as are requisite for the treatment of any patient. The order shall be signed by the practitioner in his own handwriting and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs to a previous order. A separate form shall be used for each patient.

Termination of service

17.—(1) Any arrangement between a Council and a practitioner for the provision of general dental services at a health centre may be terminated by either party giving to the other 3 months' notice in writing:

Provided that if the practitioner shall fail to comply with any of these terms of service the Council may terminate the arrangement by giving him 1 month's notice in writing.

(2) The Council may at any time suspend a practitioner from the discharge of his duties, but such suspension shall not affect the right of the practitioner to receive remuneration during the continuance thereof.

Revision of terms of service

18.—(1) The Council may, with the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alteration to each practitioner at a health centre.

(2) Except in the case of an alteration which results from the coming into operation of an Act of Parliament or from an amendment of any regulation, the alteration shall not come into operation within a period of 3 months from the date of issue of the notice.

Withdrawal or removal from dental list

19. A practitioner shall be entitled at any time to give notice in writing to the Council that he desires to withdraw his name from the dental list, and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under section 42 of the Act that the continued inclusion of a practitioner in the dental list would be prejudicial to the efficiency of the general dental services, he shall not, except with the consent of the Minister and subject to such conditions, if any, as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

Disputes, appeals, etc.

20. The terms of service relating to the following matters are contained in part II of the National Health Service (Service Committees and Tribunal) Regulations 1956:—

- (a) the investigation of questions arising between practitioners and their patients, and other investigations to be made by the dental services committee, the joint services committee and the denture conciliation committee, and the action which may be taken by the Council as the result of such investigations, including the withholding of remuneration from a practitioner where there has been a breach of the terms of service;
- (b) appeals to the Minister from decisions of the Council.

Issue of notices to practitioners

21. Any notice which a Council is required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been delivered to the practitioner or sent by post to him at the address last notified by him to the Council.

If the notice is sent by post, it shall be deemed, until the contrary is proved, to be served at the time at which a letter would be delivered in the ordinary course of post.

SCHEDULE 2

TREATMENT FOR WHICH THE PRIOR APPROVAL OF THE BOARD IS REQUIRED

A Category and Item No. in Scale of Fees	B Item of Treatment
I. Diagnosis 2 (a) and (b)	Radiological examination (except in orthodontic cases) involving 3 or more intra-oral films, or 2 or more extra-oral films, or 2 or more intra-oral films together with one or more extra-oral films; in orthodontic cases radiological examination involving 7 or more intra-oral films, or 3 or more extra-oral films, or 3 or more intra-oral films together with 3 or more extra-oral films.
II. Conservative Treatment 3	Scaling and gum treatment where the last course of treatment in respect of which provision was made for payment under item 3 to the same practitioner* commenced at any time during any of the 5 months preceding the month in which the further treatment is to be done.

* Reference in this schedule to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

A Category and Item No. in Scale of Fees	B Item of Treatment
II. Conservative Treatment—<i>cont.</i> 3 (b) 3 (c) 4 5 8 9 10	Scaling and gum treatment to be followed by extraction of the teeth charted for scaling, gum treatment and extraction during the same course of treatment. Scaling and gum treatment in exceptional cases where deep and prolonged scaling is required. Prolonged gum treatment. Gingivectomy. Gold fillings. Inlays (except refixing, recementing or refacing inlays). Crowning of permanent teeth (other than the initial provision under item 10(f)(i) or (ii) of one synthetic resin post or dowel crown with or without diaphragm where only a single crown is required during a course of treatment, and other than refixing or recementing a crown).
III. Surgical Treatment 11 12 13 (a) (iii) 13 (b)	Extractions necessitating the supply of dentures (other than the extraction of all the remaining teeth of a patient aged 35 years or over) or comprising part of a course of orthodontic treatment. Alveolectomy; removal of a cyst, buried root, impacted tooth, etc.; surgery on soft tissue. Administration of a special anaesthetic (e.g. intratracheal), in connection with treatment under item 11, where essential owing to the medical condition of the patient and the anaesthetic is administered by a doctor or dentist other than the dentist carrying out the extraction. General anaesthetic administered in connection with item 12 of the scale of fees.

A Category and Item No. in Scale of Fees	B Item of Treatment
IV. Dentures and special 14 appliances	<p>Provision of dentures in vulcanite or synthetic resin (other than the initial provision of full upper and lower dentures, or a full upper or full lower denture where a satisfactory full denture is already present in the other jaw, following the extraction during the same course of treatment of all the remaining teeth of a patient aged 35 years or over).</p> <p>15 (a) Relining of dentures in vulcanite or synthetic resin accompanied by repairs and/or additions.</p> <p>15 (b) Addition of soft lining or soft partial lining to a new or existing vulcanite or synthetic resin denture where this is required on account of the abnormal anatomical condition of the patient's alveolus.</p> <p>15 (c) Replacement or refitting of soft lining or soft partial lining which has been provided on account of the abnormal anatomical condition of the patient's alveolus.</p> <p>18 Backing or posting and tagging of teeth on non-metallic based dentures.</p> <p>19 (a) (i) Provision of dentures in stainless steel.</p> <p>19 (a) (i) Provision of dentures in chrome cobalt.</p> <p>19 (a) (ii) Provision of dentures in precious metal alloy containing less than 60 per cent. fine gold.</p> <p>19 (a) (ii) Provision of dentures in precious metal alloy containing 60 per cent. or more fine gold.</p> <p>19 (b) Repairs to metal dentures at a cost of more than £1 14s. 6d.</p> <p>19 (c) Additions to metal dentures.</p> <p>20 (a) Provision of obturators.</p> <p>20 (b) Repairs to obturators at a cost of more than £1 14s. 6d.</p> <p>21 Treatment involving splints or other appliances, except repairs at a cost of not more than £1 14s. 6d.</p>

A Category and Item No. in Scale of Fees	B Item of Treatment
V. Treatment special to children 22 (c) (i) 22 (c) (ii) 23 (a) (i) 23 (a) (ii) 23 (b) 23 (c) 24 (a)	<p>Conservation by preparation of self cleansing areas followed by applications of silver nitrate or similar medicaments where the treatment occurs within 12 months of similar treatment to the same surface by the same practitioner.*</p> <p>Conservation by topical applications of obtundents and coagulants where the treatment occurs within 12 months of similar treatment by the same practitioner.*</p> <p>Removal of calculus and other deposits from the teeth of children aged 9 years or over at the beginning of a course of treatment where the last course of treatment in respect of which provision was made for payment under item 23(a) or (b) to the same practitioner* commenced at any time during any of the 5 months preceding the month in which the further treatment is to be done.</p> <p>Removal of calculus and other deposits from the teeth of children under the age of 9 years at the beginning of a course of treatment.</p> <p>Removal of calculus where in exceptional cases it is present to an abnormal degree.</p> <p>Removal of stain where a fee for such treatment has already been paid to the same practitioner.</p> <p>Orthodontic treatment other than repairs to orthodontic appliances. (See item 11.)</p>
VI. General Items 30	Any treatment not included in items 1-29 of the scale of fees.

* Reference in this schedule to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

SCHEDULE 3

LIST OF PRESCRIBED DRUGS

In this schedule any reference to a drug includes a reference to any ingredient thereof and references to "B.P.", "B.P.C.", "B.N.F." and "D.P.F." are, except where otherwise stated, respectively references to the 1963 edition of the British Pharmacopoeia, the British Pharmaceutical Codex, the British National Formulary and the Dental Practitioners' Formulary.

Acetylsalicylic Acid.

Alum.

Benzoic Acid.

Borax.

Boric Acid.

Caffeine.

Calcium Gluconate.

Calcium Lactate.

Chloral Hydrate.

Clove Oil.

Magnesium Sulphate.

Mercurous Chloride.

Phenacetin.

Phenol.

Potassium Bromide.

Potassium Chlorate.

Potassium Dichromate.

Potassium Permanganate.

Quinine Sulphate.

Sodium Bicarbonate.

Sodium Chloride.

Sodium Perborate.

Sodium Sulphite.

Tannic Acid.

Zinc Chloride.

Zinc Sulphate.

Capsules

Tetracycline Capsules, B.P.

Cream

Neomycin and Hydrocortisone Cream, B.P.C.

Draught

Chloral Draught, D.P.F.

Elixirs

Cascara Elixir, B.P.

Chloral Elixir for Infants, B.P.C.

Promethazine Hydrochloride Elixir, B.N.F.

Tetracycline Elixir, B.N.F.

Any elixir containing methylpentynol as sole active ingredient.

Emulsions

Chloroform Emulsion, B.P.C.

Peppermint Emulsion, B.P.C.

Gargles

Ferric Chloride Gargle, B.P.C.

Phenol Gargle, B.P.C.

Potassium Chlorate and Phenol Gargle, B.P.C.

Glycerins

Borax Glycerin, D.P.F.

Tannic Acid Glycerin, B.P.C.

Compound Thymol Glycerin, B.P.C.

Inhalations

Menthol and Benzoin Inhalation, B.P.C.
Menthol and Eucalyptus Inhalation, B.P.C.

Lozenges

Benzalkonium Lozenges, B.P.C.
Benzocaine Lozenges, D.P.F.
Compound Benzocaine Lozenges, B.P.C.
Formaldehyde Lozenges, B.P.C.
Hydrocortisone Lozenges, B.P.C.
Potassium Chlorate Lozenges, D.P.F.

Mixtures

Magnesium Hydroxide Mixture, B.P.
Magnesium Sulphate Mixture, B.P.C.

Mouth-washes

Alkaline Phenol Mouth-wash, B.P.C.
Compound Sodium Chloride Mouth-wash, B.P.C.
Zinc Sulphate and Zinc Chloride Mouth-wash, B.P.C.

Ointment

Nystatin Ointment, D.P.F.

Paints

Brilliant Green and Crystal Violet Paint, B.N.F.
Compound Iodine Paint, B.P.C.

Poultice

Kaolin Poultice, B.P.

Solution-tablets

Mouth-wash Solution-tablets, B.P.C.
Sodium Chloride Solution-tablets, D.P.F.
Compound Thymol Solution-tablets, B.P.C.

Solutions

Amaranth Solution, B.P.C.
Surgical Chlorinated Soda Solution, B.P.C.
Formaldehyde Solution, B.P.
Hydrogen Peroxide Solution, B.P.
Weak Iodine Solution, B.P.

Tablets

Acetomenaphthone Tablets, B.P.
Acetylsalicylic Acid Tablets, B.P.
Compound Acetylsalicylic Acid Tablets, B.P.C.
Soluble Acetylsalicylic Acid Tablets, B.P.
Acetylsalicylic Acid and Phenacetin Tablets, B.P.C.
Acetylsalicylic Acid and Quinine Compound Tablets, Drug Tariff.
Strong Compound Aneurine Tablets, B.P.C.
Ascorbic Acid Tablets, B.P.
Calcium Gluconate Tablets, B.P.C.
Calcium Lactate Tablets, B.P.
Calcium Sodium Lactate Tablets, B.P.C.
Calcium with Vitamin D. Tablets, B.P.C.

Cascara Tablets, B.P.
Compound Cascara Tablets, B.P.C.
Compound Codeine Tablets, B.P.
Codeine Phosphate Tablets, B.P.
Dichloralphenazone Tablets, B.N.F.
Erythromycin Tablets, B.P.
Meprobamate Tablets, B.P.
Mercurous Chloride Tablets, D.P.F.
Paracetamol Tablets, B.P.
Phenacetin Tablets, B.P.C.
Phenacetin and Caffeine Tablets, B.P.C.
Phenindamine Tablets, B.P.
Promethazine Hydrochloride Tablets, B.P.
Tetracycline Tablets, B.P.

Tincture

Pyrethrum Tincture, B.P.C. 1934.

Waters

Chloroform Water.
Peppermint Water.

Barbiturates

Tablets or capsules of any barbiturate which are included in the **Dental Practitioners' Formulary**.

Penicillin

Injections of Procaine Benzylpenicillin, whether or not containing Benzylpenicillin.
Penicillin Injection, B.P.
Penicillin Lozenges, B.P.C.
Penicillin Tablets, B.P.
Phenoxymethylpenicillin Capsules, B.P.
Phenoxymethylpenicillin Mixture, B.N.F.
Phenoxymethylpenicillin Tablets, B.P.

Sulphonamides

Sulphadimidine Mixture for Infants, B.P.C.
Tablets of any sulphonamide which are included in the **Dental Practitioners' Formulary**.

SCHEDULE 4

FORMS

PART I

NATIONAL HEALTH SERVICE
GENERAL DENTAL SERVICES

FORM OF APPLICATION FOR INCLUSION IN DENTAL LIST

To the Executive Council for.....

I.....

of

a registered dental practitioner, undertake to provide general dental services under the National Health Service Acts 1946 to 1961, on the terms in operation for the time being in the area of the Council, and apply to have my name included in the Dental List.

Particulars of my usual surgery hours are given below.

Address of Surgery and/or Health Centre

Days and hours of attendance

	Days and hours of attendance	
	Days	Hours
(Surgery).....
.....
.....

I see patients by appointment only.*

* Delete as necessary.

(Health Centre).....	.....	.....
.....
.....

To be completed where appropriate

(a) I intend to practise/am practising* as a single-handed principal.

(b) I intend to practise/am practising* as a partner of.....

.....whose name is in the dental list of
.....Executive Council
and whose number is.....

(c) I am/have applied to be* also in the dental list of.....

.....Executive Council
and my number is.....

* Delete which of these is not applicable.

Signed.....

Date.....

PART II

NATIONAL HEALTH SERVICE Dental Estimate Form.

FOR OFFICIAL USE

Mr. _____
Mrs. _____
Miss _____

Part 1

Bar	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Right																					
Bar	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	
Left																					

Year of birth: _____

Part 2 Examination and Report

	Column 1	£	s.	d.	Column 2	£	s.	d.
X-Ray and Report								
Scaling and Treatment of Gums								
Fillings								
Crowns (details in Part 9)								
Root Treatment								
General Anaesthetic								
Extractions								
Denture Repairs (details in Part 9)								
Dentures								
Other Forms of Treatment (details in Part 9)								

Dentist's name (as part 5): _____

E.C. List No.: _____

Date of Examination: _____

Date treatment completed: _____

The patient is in possession of dentures as under (if no dentures the grid must be struck out).

--	--	--	--

FOLD HERE

Part 3. To be completed by the DENTIST.

PATIENT'S: Mr. _____
SURNAME: Mrs. _____
(Black Letters)
CHRISTIAN NAMES: _____

ADDRESS: _____

Net. Health Service No. _____

Part 4. To be completed by the DENTIST only in prior approval cases.

To the DENTAL ESTIMATES BOARD

I have examined this patient and have entered in Part 1 the clinical condition and in Part 2 details of the treatment which I consider necessary to secure dental fitness. The Board's approval of my estimate is requested.

Signature: _____

Date: _____

Part 5.

DENTIST'S NAME AND ADDRESS AT WHICH TREATMENT IS TO BE GIVEN		Dentist's E.C. List No.
(Rubber stamp or block letters)		

Part 6. To the DENTIST

Your estimate as detailed in Part 2 is approved at £ _____ : _____ : _____ which includes the payment by the patient of the sum of £ _____ : _____ : _____

Part 7. To be completed by the DENTIST

I certify that, having examined this patient, I have carried out treatment as detailed in Part 2

(a) in accordance with the clinical condition indicated in Part 1 and I certify that in my opinion the patient is *now dentally fit*.

(b) as emergency treatment of a casual patient.

(c) and that a general anaesthetic has been administered by _____ a doctor or another dentist, on _____ occasions.

No part of the treatment in respect of which I claim fees has been carried out as part of the Hospital and Specialist Services.

£ _____ s. _____ d. £ _____ s. _____ d.

Total cost of treatment is _____ I have received, or am claiming, from the patient the sum of _____

I claim the balance of fees due _____

*Delete as necessary (see explanatory note). Signature: _____ Date: _____

Part 8. To be signed by the DENTIST and retained by the PATIENT

I am prepared to accept _____ as a patient under the National Health Service for *treatment as detailed by me/or *emergency treatment on _____ 19____

E.C. List No. _____

*Delete as necessary. Signature: _____

Part 9. DENTIST'S OBSERVATIONS

FOR OFFICIAL USE. This form is the property of the Ministry of Health

FOR OFFICIAL USE

Enclosures:

FOLD HERE

Part 10. To be signed by the PATIENT

I desire treatment under the National Health Service and understand that it is a condition of receiving treatment under the Service that I shall, if required, submit myself for examination by a Dental Officer of the Ministry of Health. I am not at present being treated by another dentist.

(a) Undertaking to be completed so far as applicable

I undertake to pay the dentist towards the cost of treatment (including any denture or bridge) the sum required under the National Health Service Act 1951 and the National Health Service Act 1952, as varied by the National Health Service Act 1961, or regulations made thereunder. [£ : :] and I understand that the dentist may require me to pay the whole or part of this sum before proceeding with my treatment.

Any payment by the National Assistance Board on my behalf shall be in relief of the whole or part of my undertaking

(b) Declaration to be completed, so far as applicable, by persons claiming exemption from charges

I declare that I am:—

(i) an expectant mother and expect my confinement on or about OR the mother of a child born on (i.e. within twelve months of the date below) and undertake to provide such documentary evidence of this as may be required.

(ii) aged under 16/21† years at last birthday and was born on

(iii) attending full-time School at (Town) (applies only if aged 16 or over and claiming exemption from charges for dentures, addition to or relining of dentures, or bridges).

†Delete which of these is not applicable.

*Signature Date.....

Persons knowingly making a false declaration under (b) above may be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both.

Part 11. To be signed by the PATIENT when treatment is completed.

I certify that to the best of my belief treatment has been completed.

*Signature Date.....

*Where the patient is under the age of 16 or is an invalid the parent, guardian or other authorised person should sign for the patient in Parts 10 and 11, indicating after his signature his relationship to the patient.

NOTE TO PATIENT

Patients should give their dentist as much notice as possible if for any reason they are likely to be unable to keep an appointment. Failure to do so may result in treatment being delayed and in the patient having to pay the dentist for the broken appointment.

If patients wish to change their dentist they must at once give notice of the fact to the dentist they wish to leave. Patients who lose or damage their dentures may have to pay the full cost of their replacement.

PART III

FORM FOR ADDITIONAL CHARGES

NATIONAL HEALTH SERVICE

**TREATMENT AND APPLIANCES INVOLVING
ADDITIONAL PAYMENT BY THE PATIENT**

This form is to be completed in addition to and submitted with the dental estimate form in respect of the more expensive treatment or appliance to be provided at the request of the patient in accordance with regulation 24.

In the appropriate space below ENTER ONLY THE AMOUNT TO BE PAID BY THE PATIENT.

Patient's Name
Nat. Health Service No.

Dentist's Name
Dentist's E.C. List No.

DETAILS OF TREATMENT AND ADDITIONAL CHARGES

		£	s.	d.
Fillings				
Dentures				
Other Treatment.....				
.....				
.....				

TO BE SIGNED BY THE PATIENT*

I desire the treatment as detailed above and understand that I am responsible for payment to the dentist of the charges set out above, or such other charges as may be approved by the Dental Estimates Board.

Signed..... Date.....

* In the case of a child or invalid, the parent, guardian or other authorised person should sign for patient.

E.C.18.

PART IV
DENTAL RECORD — NATIONAL HEALTH SERVICE

SURNAME _____
CHRISTIAN NAMES _____
N.H.S. NUMBER _____
DATE OF BIRTH _____
TELEPHONE No. _____

ADDRESS _____

CLINICAL NOTES

DATE	TREATMENT	DATE	TREATMENT

ENCLOSURES:

DENTIST'S NAME _____
(To be used if desired)

E.C. LIST No. _____
FORM E.C.23 (REV.)

8																				
7																				
6																				
5																				
4																				
3																				
2																				
1																				
	8	7	6	5	4	3	2	1	1	2	3	4	5	6	7	8				
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				

SUMMARY OF ESTIMATES 19___ To 19___ (For use if desired)

	1	2	3	4	5	6	7	8
Exam.								
X-Ray								
Scaling								
Fillings								
Crowns								
Root Fillings								
Anaes.								
Ext.								
Dent.								
Repairs								
Other Treatment								
TOTAL								
Date of Exam.	1	2	3	4	5	6	7	8
Estimate to Board								
Estimate Approved								
Completed								
Paid								

CHARGES TO PATIENT (For use if desired)

	1	2	3	4	5	6	7	8
PAID								

This card is provided by the Ministry of Health for use in the National Health Service only

SCHEDULE 5
SCALE OF FEES FOR DENTAL TREATMENT AND
CONDITIONS WITH RESPECT TO MATERIALS

PART I. DIAGNOSIS

1. Clinical examination and report: 6s. 6d.

Provided that:—

(1) only one fee shall be payable during a course of treatment;

(2) no fee shall be payable for:—

(a) an examination in respect of repairs to dentures for edentulous patients,

(b) a group examination in schools or institutions,

(c) an examination of a person aged 21 years or over if the same practitioner* has been paid or is entitled to be paid for an examination and report on that person at any time during any of the 5 months preceding the month during which a further examination is made,

(d) an examination of a person under 21 years of age if the same practitioner* has been paid or is entitled to be paid for an examination and report on that person made on or after the preceding 1st March, 1st July or 1st November, whichever of these dates last occurred;

(3) in the case of a woman who is, or has been, pregnant and who is not edentulous, a fee shall be payable for one examination during the period of pregnancy and 12 months thereafter, additional to the examinations for which payment may otherwise be made under this item and all such examinations may be carried out at any time during the said period.

2. Radiological examination and report:

Fees per course of treatment:—

(a) Intra-oral films:

1 film	7s. 6d.
†2 films	10s. 0d.
†Each additional film	2s. 6d. up to a maximum of £1 15s. 0d.

(b) Extra-oral films:

†1 film	10s. 6d.
†Each additional film	6s. 0d. up to a maximum of £1 2s. 6d.

Provided that a fee shall not be payable unless the X-ray films or duplicates are submitted to the Board.

* Reference in this scale of fees to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

† See schedule 2 for treatment requiring prior approval.

PART II. CONSERVATIVE TREATMENT

3. Scaling and gum treatment for persons aged 16 years or over at the beginning of a course of treatment, including the removal of calculus and other deposits from the teeth, and the provision of prophylactic or other necessary treatment for all ordinary or simple disorders of the gums:
- (a) Scaling and gum treatment (except cases under (b) or (c)). 12s. 6d.
- * (b) Scaling and gum treatment to be followed by extraction of the teeth charted for scaling, gum treatment and extraction, during the same course of treatment. Such fee as the Board may approve, not exceeding 12s. 6d.
- * (c) Scaling and gum treatment in exceptional cases where deep and prolonged scaling is required. Such fee as the Board may approve, not exceeding £1 0s. 0d.
- * Provided that no fee shall be payable where the last course of treatment in respect of which provision was made for payment under item 3 to the same practitioner† commenced at any time during any of the 5 months preceding the month in which the further treatment is to be done, unless the prior approval of the Board has been obtained.
- * 4. Prolonged gum treatment including scaling and correction of simple traumatic occlusion: Such fee as the Board may approve within a range of £2 0s. 0d. to £4 0s. 0d.
- * 5. Gingivectomy:
- Fee for treatment relating to first 2 adjacent teeth. £1 1s. 0d.
- Fee for treatment relating to additional teeth, per tooth. 5s. 0d.
6. Fillings (including any dressings), except fillings in deciduous teeth of children under 16 years. The fillings to which this scale applies shall be permanent in character. Fee per filling:—
- (a) amalgam filling in:
- (i) a single surface cavity 12s. 6d. with a maximum of 12s. 6d. for 2 or more such fillings in any one surface of a tooth and a maximum of 18s. 0d. for 2 or more such fillings per tooth not all in one surface.
- (ii) a mesial — occlusal — distal cavity inclusive of any extension of such a cavity in a molar or pre-molar tooth. £1 15s. 0d.
- (iii) a mesial—occlusal or distal—occlusal cavity inclusive of any extension of such a cavity into the lingual or buccal surfaces or both in a molar or pre-molar tooth. £1 2s. 6d. with a maximum for a combination of such fillings of £1 15s. 0d. per tooth.
- (iv) a compound cavity other than a cavity covered by (ii) or (iii) above. 18s. 0d. with a maximum of £1 5s. 0d. for 2 or more such fillings per tooth.

* See schedule 2 for treatment requiring prior approval.

† Reference in this scale of fees to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

- (b) silicate, silico-phosphate or synthetic resin filling. 18s. 0d. with a maximum for 2 or more such fillings per tooth of £1 7s. 6d.

Provided that

- (a) for combinations of the types of fillings set out below in the same tooth no fee shall be payable in excess of the amount shewn opposite:—

1 or more of (a) (i) with 1 of (a) (iii)	£1 7s. 6d.
1 or more of (a) (i) with 1 of (a) (iv)	£1 3s. 0d.
1 or more of (a) (i) with 2 or more of (a) (iv).	£1 10s. 0d.
1 of (a) (iii) with 1 or more of (a) (iv).	£1 10s. 0d.

- (b) no fee in excess of £2 0s. 0d. shall be payable for any combination of any of the types of fillings necessary in one tooth.

7. Root treatment of permanent teeth, including all attention in connection therewith but not including the provision of X-rays or the insertion of any filling in the crown of the tooth:

- (a) treatment comprising either the devitalisation of the pulp of a tooth and the subsequent removal of the pulp followed by the necessary treatment and filling of each root canal of the tooth, or the treatment of septic root canals and the subsequent filling of each canal—

Fee per single rooted non-septic tooth. £1 10s. 0d.

Fee per multi-rooted or septic tooth. £2 5s. 0d.

- (b) vital pulpotomy, including any necessary dressing, fee per tooth. £1 1s. 0d.

- (c) apicectomy, including any necessary root treatment, fee per tooth. £3 15s. 0d.

8. Gold fillings (other than inlays) £3 0s. 0d. per filling with a maximum for 2 or more such fillings per tooth of £4 10s. 0d.

9. Inlays (including any dressings):

	A.	B.
* (a) metal inlay	Alloys containing 60% or more fine gold.	Any other alloys.
(i) a single surface cavity	£3 19s. 0d.	£3 13s. 6d.
(ii) a compound cavity	£5 0s. 0d.	£4 9s. 6d.
(iii) a compound cavity involving the incisal angle.	£5 5s. 0d.	£4 14s. 6d.
(iv) a confluent compound cavity ...	£5 15s. 6d.	£5 5s. 0d.
* (b) fused porcelain inlay	Such fee as the Board may approve within a range of £4 9s. 6d. to £8 13s. 6d.	
* (c) provision of a facing of silicate, or synthetic resin.	12s. 6d. per inlay.	

* See schedule 2 for treatment requiring prior approval.

(d) refixing, recementing or re-facing inlay.	12s. 6d. per inlay.
* (e) renewal or replacement by another inlay.	Such fee as the Board may approve, not exceeding the fee for a new inlay of the type being provided.
10. Crowning of permanent teeth, including any dressings but excluding root treatment:	
* (a) Full veneer or jacket crown (on a vital or non-vital tooth):	
(i) gold, swaged or swaged/cast ...	£4 15s. 0d.
(ii) gold, cast to full shoulder preparation.	£5 5s. 0d.
(iii) gold, cast to full shoulder preparation with facing of silicate or synthetic resin.	£6 0s. 0d.
* (b) Three-quarter crown gold, cast ...	£5 15s. 6d.
* (c) Full veneer or jacket crown:	
(i) synthetic resin on a vital tooth...	£4 10s. 0d.
(ii) synthetic resin on a non-vital tooth.	£3 0s. 0d.
(iii) synthetic resin constructed on a cast gold core or thimble on a vital tooth.	£5 5s. 0d.
* (d) Full veneer or jacket crown:	
(i) porcelain on a vital tooth ...	£8 5s. 0d.
(ii) porcelain on a non-vital tooth...	£6 0s. 0d.
(iii) porcelain constructed on a cast gold core or thimble on a vital tooth.	£9 0s. 0d.
* (e) (i) Synthetic resin veneer or jacket constructed on a cast gold core and post.	
(ii) Porcelain veneer or jacket constructed on a cast gold core and post.	£5 5s. 0d. £7 0s. 0d.
* (f) Synthetic resin post or dowel crown:	
(i) without diaphragm	£2 17s. 6d.
(ii) with diaphragm	£3 17s. 6d.
(iii) with gold post, diaphragm and backing.	£5 7s. 6d.
* (g) Modifications to the above crowns, and other forms of crown not in the opinion of the Board included in the above items.	Such fee as the Board may approve not exceeding £9 0s. 0d.
(h) Refixing or recementing crown ...	12s. 6d. per crown.
* (i) Repair of a crown	Such fee as the Board may approve not exceeding two-thirds of the fee for a new crown of the type being repaired.
* (j) Renewal by a similar type of crown	Such fee as the Board may approve not exceeding three-quarters of the fee for a new crown of the type being provided.
* (k) Replacement by a different type of crown.	Such fee as the Board may approve not exceeding the fee for a new crown of the type being provided.

* See schedule 2 for treatment requiring prior approval.

PART III. SURGICAL TREATMENT

*11. Extractions:

Fee per course of treatment:—

1 tooth	8s. 6d.	} With a total additional fee of 2s. 0d. if teeth are ex- tracted from more than one quadrant of the mouth
2 teeth	9s. 6d.	
3, 4 or 5 teeth	11s. 6d.	
6, 7 or 8 teeth	15s. 6d.	
9, 10 or 11 teeth... ..	£1 1s. 6d.	
12, 13 or 14 teeth	£1 5s. 6d.	
15, 16 or 17 teeth	£1 9s. 6d.	
18, 19 or 20 teeth	£1 13s. 6d.	
over 20 teeth	£1 19s. 6d.	

Provided that where an exceptional number of visits is necessary because of the abnormal systemic condition of the patient the Board may allow an additional fee not exceeding £1 17s. 6d. per course.

*12.

- (a) Alveolectomy, in either upper or lower jaw. Such fee as the Board may approve up to a maximum of £3 3s. 0d. (or such higher fee as they may in special circumstances approve).
- (b) Removal of a cyst, buried root, impacted tooth or grossly exostosed tooth, or other similar operation, including attention in connection therewith. Such fee as the Board may approve up to a maximum of £7 10s. 0d. (or such higher fee as they may in special circumstances approve).
- (c) Surgery on soft tissue, other than gingivectomy. Such fee as the Board may approve up to a maximum of £1 11s. 6d. (or such higher fee as they may in special circumstances approve).

13. Administration of a general anaesthetic:—

(a) In connection with treatment under Item 11:

- (i) where a doctor or dentist other than the dentist carrying out the extraction administers the anaesthetic:

Fee per visit—

1 to 3 teeth extracted ...	10s. 0d.
4 to 11 teeth extracted ...	£1 0s. 0d.
12 to 19 teeth extracted ...	£1 10s. 0d.
20 teeth or over extracted...	£2 0s. 0d.

- (ii) where the anaesthetic is administered by the dentist carrying out the extraction:

Fee per patient per course of treatment. 7s. 6d.

- * (iii) where the Board are satisfied that a special anaesthetic (e.g., intratracheal) is essential owing to the medical condition of the patient and the anaesthetic is administered by a doctor or dentist other than the dentist carrying out the extraction. Such fee as the Board may approve not exceeding £4 4s. 0d. per course of treatment.

* See schedule 2 for treatment requiring prior approval.

Provided that no fee exceeding £2 0s. 0d. per course of treatment shall be payable under (i), or (i) and (ii) combined, and no fee exceeding £5 0s. 0d. per course of treatment shall be payable for any combination of (iii) with (i), or with both (i) and (ii).

- **(b)* In connection with treatment under item 12 where a doctor or dentist other than the dentist carrying out the treatment administers the anaesthetic. Such fee as the Board may approve not exceeding £2 0s. 0d.

Provided that where in special circumstances a special anaesthetic (e.g., intratracheal) is so administered the fee will be such fee as the Board may approve not exceeding £4 4s. 0d.

PART IV. DENTURES AND SPECIAL APPLIANCES OTHER THAN ORTHODONTIC APPLIANCES

A. Dentures

Fees for the provision of dentures cover the provision of all necessary clasps, rests and strengtheners and all adjustments needed within a reasonable period of time after completion.

*14. Dentures in vulcanite or synthetic resin:

- | | |
|--|-------------|
| (a) full upper and full lower dentures ... | £9 16s. 6d. |
| (b) denture bearing 1, 2 or 3 teeth ... | £4 8s. 6d. |
| denture bearing 4 to 8 teeth ... | £5 4s. 0d. |
| denture bearing 9 to 14 teeth ... | £5 12s. 0d. |

Provided that no fee for upper and lower dentures shall exceed £9 16s. 6d.

(c) additional fee for lingual or palatal bar—

- | | |
|--------------------------------------|---|
| (i) stainless steel | £1 2s. 0d. |
| (ii) gold or other approved material | Such fee as the Board may approve not exceeding £2 12s. 0d. |

15. Relining or rebasing of dentures, or provision of soft linings to dentures, including all adjustments needed within a reasonable period of time after completion:

- | | |
|---------------------------------------|-------------------------|
| (a) relining or rebasing dentures ... | £2 0s. 0d. per denture. |
|---------------------------------------|-------------------------|

*Provided that where relining is to be accompanied by repairs and/or additions the prior approval of the Board is required and the fee for all items shall be such fee as the Board may approve.

- | | |
|---|---|
| * <i>(b)</i> Addition of soft lining or soft partial lining to a new or existing vulcanite or synthetic resin denture where this is required on account of the abnormal anatomical condition of the patient's alveolus. | Such fee as the Board may approve not exceeding £2 0s. 0d. per denture. |
| * <i>(c)</i> Replacement or refitting of soft lining or soft partial lining which has been provided on account of the abnormal anatomical condition of the patient's alveolus. | Such fee as the Board may approve not exceeding £2 0s. 0d. per denture. |

16. Repairs:—

- | | |
|--|--|
| (a) (i) repairing a crack or fracture, or | |
| (ii) refixing or replacing a tooth (including any gum associated therewith) or | |

* See schedule 2 for treatment requiring prior approval.

- (iii) refixing or replacing a clasp
(including any gum associated
therewith) or
(iv) covering exposed pins.
One repair under (a) ... 15s. 0d.
(b) each additional repair under (a) 5s. 0d.
(i)-(iv).
(c) renewal of gum not associated with 15s. 0d.
repair under (a).

Provided that no fee in excess of £1 14s. 6d. per denture shall be payable under item 16 or for any combination of treatment under items 16 and 17.

17. Additions:

- (a) addition of a clasp or tooth (in- £1 5s. 0d.
cluding any gum associated there-
with).
(b) addition of new gum-not associated £1 5s. 0d.
with addition under item 17 (a).

Provided that no fee in excess of £1 14s. 6d. per denture shall be payable under item 17 or for any combination of treatment under items 16 and 17.

*18. Backing or posting and tagging of teeth
on non-metallic based dentures:

Fee per tooth in addition to the appropriate fee for a non-metallic based denture:—

- (i) stainless steel ... 11s. 6d.
(ii) chrome cobalt or a precious 17s. 6d.
metal alloy containing less than
60 per cent. fine gold.
(iii) precious metal alloy containing £1 5s. 0d.
60 per cent. or more fine gold.

*19. Metal dentures. These dentures may not be provided until such period after extraction (normally not less than three months) as the dentist thinks fit:

(a) Fee per denture in:

	A.	B.
(i) Base metal alloys:	Stainless steel.	Chrome cobalt.
partial denture bearing 1, 2 or 3 teeth.	£7 17s. 6d.	£11 10s. 0d.
partial denture bearing 4, 5 or 6 teeth.	£8 13s. 6d.	£12 10s. 0d.
partial denture bearing 7, 8 or 9 teeth.	£9 9s. 0d.	£13 10s. 0d.
partial denture bearing 10 or more teeth.	£10 5s. 0d.	£14 10s. 0d.
full denture	£8 18s. 6d.	£13 0s. 0d.
Additional fee where teeth are backed in any metal.	10s. 6d. per tooth up to a maximum of £2 2s. per denture.	17s. 6d. per tooth up to a maximum of £3 10s. per denture.
(ii) Precious metal alloys:	A.	B.
	Containing less than 60 per cent. fine gold.	Containing 60 per cent. or more fine gold.
partial denture bearing 1, 2 or 3 teeth.	£11 10s. 0d.	£12 0s. 0d.
partial denture bearing 4, 5 or 6 teeth.	£12 10s. 0d.	£14 0s. 0d.
partial denture bearing 7, 8 or 9 teeth.	£13 10s. 0d.	£16 0s. 0d.

* See schedule 2 for treatment requiring prior approval.

partial denture bearing 10 or more teeth.	£14 10s. 0d.	£18 0s. 0d.
Full denture	£13 0s. 0d.	£16 0s. 0d.
Additional fee where teeth are backed in any metal.	17s. 6d. per tooth up to a maximum of £3 10s. per denture.	£1 5s. 0d. per tooth up to a maximum of £4 12s. 6d. per denture.
(b) Repairs and (c) Additions		Fee appropriate to similar treatment to synthetic resin or vulcanite dentures as covered by items 16 and/or 17 together with such additional fee, if any, as the Board may approve.
B. Special Appliances		
*20.		
(a) Obturators, fee per case in addition to appropriate denture fee.		Such fee as the Board may approve within a range of £3 0s. 0d. to £5 0s. 0d. or such additional fee as may be approved in special circumstances.
(b) Repairs to obturators		Such fee as the Board may approve.
*21. Treatment involving splints or other appliances.		Such fee as the Board may approve.

PART V. TREATMENT SPECIAL TO CHILDREN

22. Conservative treatment of deciduous teeth of children under 16 years of age at the beginning of a course of treatment:
- (a) by filling with amalgam, oxyphosphate cement or other similar materials:
 - (i) single surface cavity, per filling 10s. 0d.
 - (ii) any other cavity, per filling ... 15s. 0d.
 - (b) by conservation of a molar with a preformed metal cap. 15s. 0d. per tooth.
 Provided that no fee in excess of 15s. 0d. shall be payable for any combination of the above types of conservation necessary in one tooth.
 - (c) by conservation by other means:
 - (i) by preparing self-cleansing areas followed by applications of silver nitrate or similar medicaments:
 - per tooth 7s. 6d.
 - maximum per patient £1 11s. 6d.
- *Provided that no fee shall be payable under (i) where the treatment occurs within 12 months of similar treatment to the same surface by the same practitioner † unless, in exceptional circumstances, the approval of the Board is first obtained.
- (ii) by topical applications of obtundents and coagulants:
 - per patient 7s. 6d.

* See schedule 2 for treatment requiring prior approval.
 † Reference in this scale of fees to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

*Provided that no fee shall be payable under (ii) where the treatment occurs within 12 months of similar treatment by the same practitioner † unless, in exceptional circumstances, the approval of the Board is first obtained.

(d) by vital pulpotomy, including necessary dressing, per tooth. 10s. 6d.

23. (a) Removal of calculus and other deposits from the teeth of children under 16 years at the beginning of a course of treatment and the provision of necessary treatment for all ordinary or simple disorders of the gums. 5s. 6d.

*Provided that no fee shall be payable under item 23 (a):

(i) where the last course of treatment in respect of which provision was made for payment under item 23 (a) or (b) to the same practitioner † commenced at any time during any of the 5 months preceding the month in which the further treatment is to be done;

(ii) in respect of a patient under 9 years at the beginning of a course of treatment unless the prior approval of the Board has been obtained.

*(b) Removal of calculus, where in exceptional cases calculus is present to an abnormal degree, from the teeth of children under 16 years at the beginning of a course of treatment, and the provision of necessary treatment for all ordinary or simple disorders of the gums. 12s. 6d.

(c) Removal of stain including any necessary polishing. 5s. 6d.

*Provided that

(i) no further fee shall be payable for treatment under item 23 (c) to the same practitioner † unless the prior approval of the Board has been obtained; and

(ii) no fee shall be payable during a course of treatment where a fee is paid under item 23 (a) or (b).

24. *(a) Orthodontic treatment of children and young persons under 18 years at the beginning of a course of treatment. Such fee as the Board may approve.

(b) Repairs to orthodontic appliances ... Such fee as the Board may approve.

* See schedule 2 for treatment requiring prior approval.

† Reference in this scale of fees to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

PART VI. GENERAL ITEMS

25. Dressing of teeth in respect of a casual patient:
 Fee for one tooth 8s. 6d.
 Fee for two or more teeth 10s. 6d.
26. Domiciliary visits where a patient's condition so requires:
 Fee per visit to one or more patients at one address. 10s. 0d.
27. Treatment of sensitive cementum or dentine:
 Fee per course 5s. 0d.
28. Taking of material for pathological or bacteriological examination, etc.:
 Fee per course 7s. 6d.
29. Treatment for arrest of abnormal haemorrhage including abnormal haemorrhage following dental treatment provided otherwise than as part of general dental services:
 Fee for arrest of bleeding or for administration of associated after care (e.g. removal of a plug or stitches) per visit. 15s. 0d.
 Provided that the same practitioner† who arrests bleeding may not also be paid for the administration of after care.
- *30. Fee for any other treatment not included in this scale. Such fee as the Board may approve.

PART VII. CONDITIONS WITH RESPECT TO MATERIALS

(1) Where a material listed in column A hereunder is used, it shall conform to the specification published under the authority of the British Standards Institution and set out opposite in Column B.

A	B
Acrylic resin denture base materials	BS. 2487: 1954
Dental amalgam alloy (silver-tin)	BS. 2938: 1961
Dental zinc Phosphate cement	BS. 3364: 1961
Dental silicate cement and dental silico-phosphate cement... ..	BS. 3365: 1961
Dental cobalt chromium casting alloy	BS. 3366: 1961
Dental gold solders	BS. 3384: 1961
Orthodontic wire and tape and dental ligature wire made of stainless steel	BS. 3507: 1962
Dental wrought precious metal alloy wire	BS. 3520: 1962

(2) The nature of materials used or to be used shall be specified on an estimate for the provision of (a) a crown, (b) an inlay, (c) a filling with any material other than amalgam, and (d) the provision or repair of, or additions to, a metal denture.

(3) All filling materials shall be of first-grade quality and suitable for each individual cavity. Cements, synthetic resins, gutta percha and copper amalgam may be used for the conservation of deciduous teeth. Silicate and silico-phosphate cements or self-polymerising synthetic resin filling materials shall be regarded as permanent filling materials for permanent teeth where they are used in anterior teeth, but shall not be so regarded, or so used, in teeth posterior to the canines (other than first and second premolars where the occlusal surfaces are not involved), unless the prior

* See schedule 2 for treatment requiring prior approval.

† Reference in this scale of fees to dental treatment by the same practitioner shall include also dental treatment by his principal or the partner of either, or by the assistant of any of them and where the practitioner is employed by a body corporate shall include treatment by another employee of that body.

approval of the Board has been obtained. Other cements, gutta percha and copper amalgam shall not be regarded as permanent filling materials for permanent teeth, or so used, unless in special circumstances the prior approval of the Board has been obtained. For the purposes of this paragraph cements shall be taken to include all filling materials which consist of powders in combination with liquids other than mercury.

(4) All materials used in dentures shall be of first grade quality. A plastic material other than vulcanite shall be used for the denture base or addition to a denture only if it is of a brand approved for the time being by the Minister.

(5) Where pin teeth are used for vulcanite or other plastic base dentures, all pins shall be of precious metal, or nickel cased with gold or other precious metal, or nickel alloy cased with gold or other precious metal. Pins sheathed with gold anchored within the porcelain are within this specification. The teeth, whether porcelain or synthetic resin, shall be of first-grade quality.

(6) Porcelain diatropic anterior teeth may only be used in vulcanite or other plastic base dentures when artificial gum is necessary.

(7) Strengtheners shall be compatible with the denture base materials used and not liable to change in the mouth.

(8) Bands and clasps shall be of either—

(a) alloys containing not less than 40 per cent. of fine gold, platinum or palladium, and including not less than 15 per cent. of gold, and not more than 20 per cent. of base metal, or

(b) stainless steel, or

(c) such other material as may be approved for the time being by the Minister.

Bands shall be not less than No. 7 gauge in thickness.

(9) In cases of close bite where porcelain or synthetic resin teeth cannot be used, cusps of the following material may be used—

(a) alloys containing not less than 33½ per cent. of fine gold, platinum or palladium and not more than 20 per cent. of base metal, or

(b) stainless steel, or

(c) such other materials as may be approved for the time being by the Minister.

(10) Metal used for crowns, denture bases, backings, posts and tags shall be—

(a) alloys containing not less than 33½ per cent. of fine gold, platinum or palladium and not more than 20 per cent. of base metal, or

(b) stainless steel, or

(c) such other materials as may be approved for the time being by the Minister, and

(d) shall be of adequate strength.

(11) Casing of gold cased lingual or palatal bars shall be of not less than 18 carat gold.

(12) Synthetic resin material shall not be used for inlays.

SCHEDULE 6

REMUNERATION OF DENTAL PRACTITIONERS PRACTISING AT A HEALTH CENTRE

1. Rates applicable to whole-time employment at a health centre:—

Grade

Scale of Remuneration

I Commencing at £2,070 per annum and rising to £2,535 per annum by annual increments as follows:—

£
2,070
2,150
2,225
2,305
2,380
2,460
2,535

II Commencing at £1,285 per annum and rising to £2,020 per annum by annual increments as follows:—

£
1,285
1,375
1,470
1,565
1,655
1,750
1,840
1,935
2,020

2. Rates applicable to part-time employment at a health centre:—

In respect of one half or three-quarter time employment, one half or three quarters, as the case may be, of the rates specified for whole-time employment or such other proportion as may be appropriate to the amount of the employment.

3. Rates of sessional remuneration:—

<i>Grade</i>	<i>Fees per session of 3 hours</i>
I	£5 9s.
II	£4 7s.

4. In determining the appropriate rate of remuneration payable to a dental practitioner under the preceding paragraphs of this schedule the following provisions shall apply:—

- (1) Subject to the provisions of the next succeeding sub-paragraph, a practitioner shall be appointed in Grade II.
- (2) A Council, if they are satisfied that the qualifications, experience and capacity of a practitioner justify his appointment in Grade I, may, after consultation with the Local Dental Committee and subject to the approval of the Minister, appoint the practitioner in that grade.
- (3) Payment of the annual increments for which provision is made in paragraphs 1 and 2 of this schedule shall be conditional on the satisfactory service of the practitioner concerned.
- (4) A practitioner who is regularly employed for 6 or more sessions a week shall be deemed to be employed whole-time or part-time as the case may be, and be remunerated accordingly.
- (5) Where a practitioner is regularly employed at a health centre by a Council and a local authority and the total number of sessions per week for which he is employed by those authorities is 6 or more, he shall be deemed to be employed part-time by the Council, and he shall be remunerated accordingly.
- (6) A Council may at their discretion credit a practitioner on appointment in Grade II with additional increments not exceeding one increment in respect of each year of experience after the first 5 years of experience since he became a registered dental practitioner, or gained a Commonwealth or foreign diploma recognised by the General Dental Council under section 12(3) of the Dentists Act 1957 whichever event first occurred.

SCHEDULE 7
REGULATIONS REVOKED

The National Health Service (General Dental Services) Regulations 1954	S.I. 1954/742 (1954 I, p. 1279).
The National Health Service (General Dental Services) Amendment Regulations 1955	S.I. 1955/604 (1955 I, p. 1263).
The National Health Service (General Dental Services) Amendment (No. 2) Regulations 1955	S.I. 1955/1890 (1955 I, p. 1264).
The National Health Service (General Dental Services) Amendment Regulations 1956	S.I. 1956/1743 (1956 I, p. 1514).
The National Health Service (General Dental Services) Amendment Regulations 1957	S.I. 1957/229 (1957 I, p. 1458).
The National Health Service (General Dental Services) Amendment No. 2 Regulations 1957	S.I. 1957/729 (1957 I, p. 1471).
The National Health Service (General Dental Services) Amendment No. 3 Regulations 1957	S.I. 1957/1763 (1957 I, p. 1472).
The National Health Service (General Dental Services) Amendment Regulations 1958	S.I. 1958/2169 (1958 II, p. 1544).
The National Health Service (General Dental Services) Amendment Regulations 1960	S.I. 1960/1046 (1960 II, p. 2075).
The National Health Service (Charges for Drugs and Appliances) Regulations 1961	S.I. 1961/182 (1961 I, p. 292).
The National Health Service (General Dental Services) Regulations 1961	S.I. 1961/907 (1961 II, p. 1749).
The National Health Service (General Dental Services) (No. 2) Regulations 1961	S.I. 1961/1152 (1961 II, p. 2119).
The National Health Service (General Dental Services) Amendment Regulations 1962	S.I. 1962/1103 (1962 II, p. 1271).
The National Health Service (General Dental Services) Amendment (No. 2) Regulations 1962	S.I. 1962/1221 (1962 II, p. 1328).
The National Health Service (General Dental Services) Amendment Regulations 1963	S.I. 1963/992 (1963 II, p. 1631).
The National Health Service (General Dental Services) Amendment (No. 2) Regulations 1963	S.I. 1963/1712 (1963 III, p. 3334).
The National Health Service (General Dental Services) Amendment (No. 3) Regulations 1963	S.I. 1963/2069 (1963 III, p. 4381).

Given under the official seal of the Minister of Health on 25th May 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are a consolidation of the regulations relating to general dental services, revoked by schedule 7, together with a number of amendments.

The principal amendments are as follows :—

- (a) provision is no longer made for inclusion in the dental list of an Executive Council of particulars relating to dental assistants, and the application form for admission to the list no longer makes provision relating to applicants who are acting as assistants (regulation 4(3) and schedule 4, part I) ;
- (b) practitioners are required to notify the Council of changes affecting their entries in the dental list (regulation 4(4)) ;
- (c) Councils may recover charges direct from patients where the practitioner has in certain circumstances been unable to do so (regulation 22(6)) ;
- (d) the types of more expensive appliances which may be provided for a patient, on payment of an additional charge, have been extended (regulation 24) ;
- (e) overpayments made to a practitioner may be deducted by the Council from his remuneration (regulation 33(1)) ;
- (f) certain claims by a practitioner for payment are specifically prohibited (schedule 1, part I, paragraph 6(3)) ;
- (g) new provisions are made with respect to the completion of dental estimate forms (*ibid.*, paragraph 7(1)) ;
- (h) practitioners who have been required to submit all estimates in respect of any treatment (other than examination or emergency treatment) for prior approval by the Dental Estimates Board are required to apply for such prior approval in all areas in which they practise (*ibid.*, paragraph 7(4)(c)) ;
- (i) new provisions are made in respect of signatures by deputies and assistants (*ibid.*, paragraph 7(6)) ;
- (j) a practitioner is required to provide all dental treatment personally except where otherwise permitted (*ibid.*, paragraph 12(1)) ;
- (k) a practitioner may normally employ only 2 assistants and must notify the Council of their employment within 7 days. He must give the Council such particulars concerning assistants as the Council may require. He is subject to certain restrictions in their employment (*ibid.*, paragraph 12(3), (4), (7) and (8)) ;
- (l) alterations have been made to the list of items requiring prior approval (schedule 2, items 2(a) and (b), 8, 11 and 14).

1964 No. 756

WAGES COUNCILS

The Wages Regulation (Retail Drapery, Outfitting and Footwear) Order 1964

Made - - - - - 25th May 1964
Coming into Operation 29th June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as “the Minister”) has received from the Retail Drapery, Outfitting and Footwear Trades Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Retail Drapery, Outfitting and Footwear) Order 1964.

2.—(1) In this Order the expression “the specified date” means the 29th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression “the specified date” means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order, as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Drapery, Outfitting and Footwear) Order 1962(c) and the Wages Regulation (Retail Drapery, Outfitting and Footwear) (Amendment) Order 1963(d), shall cease to have effect.

Signed by order of the Minister of Labour 25th May 1964.

W. S. I. Whitelaw,
 Parliamentary Secretary,
 Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
 (c) S.I. 1962/2224 (1962 III, p. 3048).

(b) 52 & 53 Vict. c. 63.
 (d) S.I. 1963/1360 (1963 II, p. 2359).

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Drapery, Outfitting and Footwear) Order 1962(a) (hereinafter referred to as "Order R.D.O. (40)") as amended by the Wages Regulation (Retail Drapery, Outfitting and Footwear) (Amendment) Order 1963(b) (Order R.D.O. (42)).

(a) S.I. 1962/2224 (1962 III, p. 3048).

(b) S.I. 1963/1360 (1963 II, p. 2359).

PART I
STATUTORY MINIMUM REMUNERATION
APPLICATION

1. Subject to the provisions of paragraphs 5, 8 and 9, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3 and 4.

Any increase in remuneration payable under the provisions of paragraph 2, 3 or 4 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

**WORKERS OTHER THAN TEMPORARY SHOP MANAGERS,
TEMPORARY SHOP MANAGERESSES AND TRANSPORT WORKERS**

- 2.—(1) Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	LONDON AREA		PROVINCIAL A AREA		PROVINCIAL B AREA	
	Per week		Per week		Per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(a) SHOP MANAGERS, SHOP MANAGERESSES where the number of staff (computed in accordance with the provisions of subparagraph (2) of this paragraph) is:—						
1 or 2	232 6	198 6	226 6	192 6	216 6	184 6
3	238 6	204 6	232 6	198 6	222 6	190 6
4	245 0	211 0	239 0	205 0	229 0	197 0
5	251 6	217 6	245 6	211 6	235 6	203 6
6	258 0	224 0	252 0	218 0	242 0	210 0
(b) CLERKS GRADE I, aged 23 years or over	208 0	154 0	200 6	148 6	188 0	139 0
(c) CLERKS GRADE I, aged under 23 years, CLERKS GRADE II, SALES ASSISTANTS, CASHIERS, CENTRAL WAREHOUSE WORKERS, CREDIT TRAVELLERS, STOCK HANDS—						
Aged 22 years or over	202 0	149 6	194 6	144 0	182 0	134 6
" 21 and under 22 years	184 6	136 0	178 6	130 6	165 6	121 6
" 20 " " 21 " "	152 6	116 6	147 6	111 0	136 0	105 0
" 19 " " 20 " "	142 0	110 6	137 0	105 0	125 6	99 0
" 18 " " 19 " "	128 6	103 0	123 6	97 6	114 0	91 6
" 17 " " 18 " "	107 0	87 6	102 0	82 0	94 6	76 6
" 16 " " 17 " "	98 0	82 0	93 0	76 6	86 6	71 0
" under 16 years	91 6	76 6	86 6	70 6	80 0	65 0
(d) ALL OTHER WORKERS (OTHER THAN THE WORKERS SPECIFIED IN PARAGRAPH 3 AND PARAGRAPH 4)—						
Aged 22 years or over	194 0	144 6	186 6	139 0	177 6	129 6
" 21 and under 22 years	181 6	134 0	175 6	128 6	162 6	119 6
" 20 " " 21 " "	151 6	114 6	146 6	109 0	135 0	103 0
" 19 " " 20 " "	141 0	109 6	136 0	104 0	124 6	98 0
" 18 " " 19 " "	127 6	102 0	122 6	96 6	113 0	90 6
" 17 " " 18 " "	106 0	86 6	101 0	81 0	93 6	75 6
" 16 " " 17 " "	97 0	81 0	92 0	75 6	85 6	70 0
" under 16 years	90 6	75 6	85 6	69 6	79 0	64 0

Provided that where a sales assistant enters, or has entered, the retail drapery, outfitting and footwear trades for the first time at or over the age of 20 years, the minimum remuneration payable shall be—

- (i) during the first three months of the employment, 10s. 0d. per week less, and
- (ii) during the second three months of the employment, 5s. 0d. per week less

than the minimum remuneration otherwise applicable to the worker under (c) of this sub-paragraph.

- (2) In the foregoing table, "number of staff" means the number of persons (including the manager or manageress) normally employed by the employer, for whose control the manager or manageress is responsible to the employer, and in computing that number both full-time workers and workers other than full-time workers shall be included, except that in the case of workers other than full-time workers the number to be counted shall be the number of such workers or the number (treating any fraction as one) obtained by dividing by 30 the aggregate of the hours normally worked in the week by all such workers whichever is the less.

TEMPORARY SHOP MANAGERS AND TEMPORARY SHOP MANAGERESSES

- 3.—(1) Subject to the provisions of this paragraph, the minimum remuneration payable to temporary shop managers and temporary shop manageresses, for each continuous period of employment as temporary shop manager or temporary shop manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph) shall be the appropriate minimum remuneration for a shop manager or shop manageress, as the case may be, under the provisions of paragraph 2(1)(a).
- (2) In reckoning any continuous period of employment as temporary shop manager or temporary shop manageress for the purposes of sub-paragraph (1) of this paragraph, no account shall be taken of any period of employment:—
- (a) not exceeding two consecutive working days; or
 - (b) not exceeding a total of two weeks in any year, being a period when the shop manager or shop manageress is absent on holiday:

Provided that for the purposes of this paragraph where in any year a worker is employed by the same employer as a temporary shop manager or temporary shop manageress at more than one shop during the absence on holiday of the shop manager or shop manageress, the first period of such employment and any subsequent periods of such employment in the same year shall be treated as a continuous period of employment.

- (3) The minimum remuneration payable to temporary shop managers and temporary shop manageresses for any period of employment mentioned in (a) or (b) of sub-paragraph (2) of this paragraph, shall be not less than the appropriate minimum remuneration for a sales assistant under the provisions of this Schedule.
- (4) For the purposes of this paragraph "year" means the 12 months commencing with 1st January and ending with 31st December.

TRANSPORT WORKERS

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the following table:—

Column 1	Column 2		Column 3		
Age of transport worker	Type of Vehicle		LONDON AREA	PRO-VINCIAL A AREA	PRO-VINCIAL B AREA
	Mechanically propelled vehicle with carrying capacity of	Horse-drawn vehicle			
	21 years or over ... 20 and under 21 years 19 " " 20 " 18 " " 19 " under 18 years ...	} 1 ton or less	} one-horse	s. d. 202 0	s. d. 194 6	s. d. 181 6
160 6	158 6			148 0	
150 6	148 6			138 0	
137 6	135 6			127 0	
117 0	115 0			107 6	
All ages ...	Over 1 ton and up to 2 tons ...	two-horse	206 0	198 6	185 6
	Over 2 tons and up to 5 tons ...	—	210 0	202 6	189 6
	Over 5 tons ...	—	214 0	206 6	193 6

MINIMUM OVERTIME RATES

5.—(1) Subject to the provisions of this paragraph, overtime shall be payable to all workers at the following minimum rates :—

- (a) For work on a Sunday or customary holiday,
- (i) where time worked does not exceed
4½ hours double time for 4½ hours
- (ii) where time worked exceeds 4½ hours but
but does not exceed 8 hours double time for 8 hours
- (iii) where time worked exceeds 8 hours ... double time for all time worked

Provided that where it is or becomes the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

- (b) On the weekly short day in any week during which, under sub-section (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half day,
for any time worked after 1.30 p.m. ... double time
- (c) On the weekly short day (not being a weekly short day to which (b) of this sub-paragraph applies)
for any time worked after 1.30 p.m. ... time-and-a-half
- (d) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph,
for all time worked in excess of 44 hours time-and-a-half

Provided that in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours", and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

- (2) Overtime rates in accordance with provisions (a), (c) and (d) of sub-paragraph (1) of this paragraph shall be payable to a shop manager, temporary shop manager, shop manageress or temporary shop manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

WAITING TIME

6. A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—
- (1) without the employer's consent, express or implied;
 - (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;
 - (3) by reason only of the fact that he is resident thereon; or
 - (4) during normal meal times and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

- 7.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday not less than the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.
- (2) A worker shall not be entitled to any payment under this paragraph unless he:—
- (a) worked for the employer throughout the last working day on which work was available for him preceding the holiday; and
 - (b) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

- 8.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.
- (2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is the whole of the remuneration payable in respect of overtime.

- (3) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3 or 4 for 44 hours' work in his normal occupation :

Provided that—

- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 9) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies ;
- (b) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (b) to sub-paragraph (3) of this paragraph) is
- (a) capable of and available for work ; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid :

Provided that in respect of the week in which the said notice expires there shall be paid to the worker in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 9.—(1) The minimum remuneration specified in paragraphs 2, 3 and 4 relates to a week of 44 hours exclusive of overtime and, except in the case of guaranteed weekly remuneration under paragraph 8, is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 6, be excluded.

BENEFITS OR ADVANTAGES

10.—(1) The benefits or advantages set out in (a), (b), (c) and (d) of this sub-paragraph, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of a worker to whom this Schedule applies, by the employer or by some other person under arrangements with the employer, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner :—

(a) Dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 11s. 8d. per week except in the circumstances provided for in (d) of this sub-paragraph.

(b) Tea of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 4s. 2d. per week except in the circumstances provided for in (d) of this sub-paragraph.

(c) Full board on Sunday and customary holidays, part board only on the other days of the week and lodging for the full week, as the appropriate amount set out in the table below :—

In the case of a worker aged	LONDON AREA	PROVINCIAL A AREA	PROVINCIAL B AREA
	Per week	Per week	Per week
	s. d.	s. d.	s. d.
21 years or over	34 6	30 6	27 0
20 and under 21 years	32 6	28 6	25 0
19 " " 20 "	28 9	24 9	21 3
18 " " 19 "	26 6	22 6	19 0
17 " " 18 "	24 6	20 6	17 0
16 " " 17 "	20 6	16 6	13 0
under 16 years	18 6	14 6	11 0

(d) Full board and lodging for the full week, as the appropriate amount set out in the table below :—

In the case of a worker aged	LONDON AREA	PROVINCIAL A AREA	PROVINCIAL B AREA
	Per week	Per week	Per week
	s. d.	s. d.	s. d.
21 years or over	45 3	41 3	37 9
20 and under 21 years	43 3	39 3	35 9
19 " " 20 "	39 6	35 6	32 0
18 " " 19 "	37 0	33 0	29 6
17 " " 18 "	34 6	30 6	27 0
16 " " 17 "	30 6	26 6	23 0
under 16 years	28 6	24 6	21 0

Provided that where in any week the total amount which, in accordance with the foregoing provisions of this sub-paragraph, the employer would be entitled to reckon as payment of wages to a worker in lieu of payment in cash, exceeds the appropriate amount (according to the age of the worker and the area in which he is employed) set out in (d) of this sub-paragraph, then in the case of that worker the employer shall not be entitled in respect of that week, so to reckon as payment of wages as aforesaid, more than such appropriate amount set out in (d) of this sub-paragraph:

Provided also that where a worker is employed in a shop—

(i) which is registered under section 53 of the Shops Act 1950 (which relates to persons observing the Jewish Sabbath), this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday" in (c) thereof, there were substituted the word "Saturday";

(ii) situated in a district in which an order is in force under section 54 of the Shops Act 1950, authorising shops to be open for the serving of customers on Sunday and which it is the practice to keep open on Sunday, this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday" there were substituted the words "the week-day upon which the shop in which the worker is employed must be closed in pursuance of an order made under section 54 of the Shops Act 1950".

(2) In this paragraph—

"PART BOARD" means breakfast and supper, being meals of good and sufficient quality and quantity;

"FULL BOARD" means breakfast, dinner, tea and supper, being meals of good and sufficient quality and quantity; and

"LODGING" means clean and adequate accommodation and clean and adequate facilities for eating, sleeping, washing and leisure.

(3) Nothing in this paragraph shall be construed as authorising the making of any deduction or the giving of remuneration in any manner which is illegal by virtue of the Truck Acts 1831 to 1940(a), or of any other enactment.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

11.—(1) Subject to the provisions of paragraph 12, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker (other than a worker who normally works for the employer for less than 9 hours in a week) in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 18) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday			
	Where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months	11 "	9 "	7 "	5 "
" " " 10 " " " " " "	10 "	8 "	7 "	5 "
" " " 9 " " " " " "	9 "	7 "	6 "	4 "
" " " 8 " " " " " "	8 "	7 "	5 "	4 "
" " " 7 " " " " " "	7 "	6 "	5 "	3 "
" " " 6 " " " " " "	6 "	5 "	4 "	3 "
" " " 5 " " " " " "	5 "	4 "	3 "	2 "
" " " 4 " " " " " "	4 "	3 "	3 "	2 "
" " " 3 " " " " " "	3 "	2 "	2 "	1 day
" " " 2 " " " " " "	2 "	2 "	1 day	1 "
" " " 1 month " " " "	1 day	1 day	1 "	nil

- (2) Notwithstanding the provisions of the last foregoing sub-paragraph—
- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;
 - (b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the first day of January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;
 - (c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.D.O. (40) between 1st April 1964, and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression " holiday season " means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964, and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.
12. Where at the written request of the worker at any time during the three months immediately preceding the commencement of the holiday season in any year, his employer allows him any day or days of holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 15 and 16, then—
- (1) the annual holiday to be allowed in accordance with paragraph 11 in the holiday season in that year shall be reduced by the day or days of holiday so allowed prior to the commencement of that holiday season ; and
 - (2) for the purpose of calculating accrued holiday remuneration under paragraph 17 any day or days of holiday deducted in accordance with sub-paragraph (1) hereof shall be treated as if they had been allowed in the holiday season.
- 13.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may by agreement between the employer and the worker be allowed in two periods of consecutive working days ; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
 - (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
 - (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday

season or after the holiday season in the circumstances specified in subparagraph 2(b) of paragraph 11:

- (5) No day of annual holiday shall be allowed on a customary holiday.
- (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

- 14. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 15.—(1) Subject to the provisions of paragraph 16, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay (as defined in paragraph 19) in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
- 16. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 17 of this Schedule or with Order R.D.O. (40)), in respect of employment during any of the periods referred to in that paragraph, or that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.D.O. (40).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

- 17. Where a worker (other than a worker who normally works for the employer for less than 9 hours in a week) ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—
 - (1) in respect of employment in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
 - (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where during the period or periods in respect of which the said accrued holiday remuneration is payable the worker has at his

written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 12) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday ;

- (c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker, without the consent of his employer, terminates his employment without having given not less than one week's notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

18. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month (as defined in paragraph 19) throughout which he has been in the employment of the employer.

PART III GENERAL DEFINITIONS

19. For the purposes of this Schedule—

“CARRYING CAPACITY” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

“CASHIER” means a worker employed in a shop and engaged wholly or mainly in receiving cash or giving change.

“CENTRAL WAREHOUSE WORKER” means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail drapery, outfitting and footwear trades supplies its branch shops.

“CLERK GRADE I” means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.

“CLERK GRADE II” means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.

“CREDIT TRAVELLER” means a worker employed in an undertaking engaged in credit trading and wholly or mainly engaged in calling upon customers or prospective customers for the purpose of opening accounts, collecting payments or selling goods.

“CUSTOMARY HOLIDAY” means

- (1) (a) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as a public holiday throughout England and Wales ;

(b) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday;

Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday);

two other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday and any day proclaimed as a public holiday throughout Scotland;

or (2) where in any undertaking it is not the custom or practice to observe such days as are specified in (1)(a) or (1)(b) above as holidays, such other days, not fewer in number, as may by agreement between the employer or his representative and the worker or his representative be substituted for the specified days.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month, and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 17, on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work—

(1) if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime),

(2) if the employer were not providing him with meals or board and lodging, and

(3) if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable,

and in this definition **"appropriate proportion"** means—

where the worker's normal working week is six days ...	one-sixth
" " " " " five " ...	one-fifth
" " " " " four " ...	one-quarter
" " " " " three " ...	one-third
" " " " " two " ...	one-half
" " " " " one day ...	the whole.

- “SALES ASSISTANT” means a worker who is wholly or mainly engaged in the serving of customers.
- “SHOP MANAGER”, “SHOP MANAGERESS” means a worker who is employed at, and is normally immediately in charge of the operation of, an undertaking or branch (but not of a department of an undertaking or branch), who has the custody of cash and stock, and who has immediate control of other workers (if any) employed at that undertaking or branch; and for the purposes of this definition a worker shall not be deemed not to be immediately in charge of the operation of an undertaking or branch by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the undertaking or branch is open to the public, wholly or mainly engaged in work at that undertaking or branch.
- “STOCK HAND” means a worker employed in a shop, or in a warehouse operated in connection with a shop, and wholly or mainly engaged in the custody of goods or the receiving and checking of stock or the assembly of orders.
- “TEMPORARY SHOP MANAGER”, “TEMPORARY SHOP MANAGERESS” means a worker who during the absence of the shop manager or shop manageress performs all the duties of the shop manager or the shop manageress, whilst he is performing the said duties.
- “TIME-AND-A-HALF” and “DOUBLE TIME” mean, respectively, one and a half times and twice the hourly rate obtained by dividing by 44 the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3 or 4.
- “TRANSPORT WORKER” means a worker engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.
- “WATCHMAN” means a worker wholly or mainly engaged in guarding the employer’s premises for the prevention of theft, fire, damage or trespass.
- “WEEK” means pay week.
- “WEEKLY SHORT DAY” means:—
- (1) that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o’clock in the afternoon, or,
 - (2) where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week which is not a customary holiday:
- Provided that where the day specified in (1) of this definition falls on Christmas Day or Boxing Day in England and Wales or Christmas Day or New Year’s Day in Scotland the employer may fix as the weekly short day for that week a working day in the following week not being either a customary holiday or the weekly short day for that following week.

AREAS

20. In this Schedule:—

(1) "LONDON AREA" means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.

(2) "PROVINCIAL AREA" means

(a) In Scotland,

(i) the following burghs:—

ABERDEEN COUNTY Aberdeen (including part in County) Fraserburgh Peterhead	DUNBARTON COUNTY Clydebank Dumbarton Helensburgh Kirkintilloch Milngavie	ORKNEY COUNTY Kirkwall
ANGUS COUNTY Arbroath Brechin Dundee Forfar Montrose	EAST LoTHIAN COUNTY North Berwick	PERTH COUNTY Perth
ARGYLL COUNTY Dunoon	FIFE COUNTY Buckhaven and Methil Burntisland Cowdenbeath Dunfermline Kirkcaldy Leven Lochgelly St. Andrews	RENFREW COUNTY Barrhead Gourock Greenock Johnstone Paisley Port Glasgow Renfrew
AYR COUNTY Ardrossan Ayr Irvine Kilmarnock Largs Prestwick Saltcoats Troon	INVERNESS COUNTY Inverness	ROSS AND CROMARTY COUNTY Stornoway
BANFF COUNTY Buckie	KINCARDINE COUNTY Stonehaven	ROXBURGH COUNTY Hawick
BUTE COUNTY Rothesay	LANARK COUNTY Airdrie Coatbridge Glasgow Hamilton Lanark Motherwell and Wishaw Rutherglen	SELKIRK COUNTY Galashiels
CLACKMANNAN COUNTY Alloa	MIDLoTHIAN COUNTY Dalkeith Edinburgh Musselburgh	STIRLING COUNTY Denny and Dunipace Falkirk Grangemouth Kilsyth Stirling
DUMFRIES COUNTY Dumfries	MORAY COUNTY Elgin	WEST LoTHIAN COUNTY Armadale Bathgate Bo'ness
		WIGTOWN COUNTY Stranraer
		ZETLAND COUNTY Lerwick

- (ii) The following Special Lighting Districts, the boundaries of which have been defined, namely:—Vale of Leven and Renton in the County of Dunbarton; and Larbert in the County of Stirling; and
- (iii) The following areas, the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely:—Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.
- (b) In England and Wales, the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (3) (b) of this paragraph.
- (3) "PROVINCIAL B AREA" means
- (a) In Scotland, all areas other than those listed in (2) (a) of this paragraph;
- (b) In England and Wales, all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE Amphill Sandy	DEVONSHIRE Ashburton Axminster Buckfastleigh Budleigh Salterton Crediton Dartmouth Great Torrington Holsworthy Honiton Kingsbridge Lynton Northam Okehampton Ottery St. Mary Salcombe Seaton South Molton Tavistock Totnes	ESSEX Brightlingsea Burnham-on-Crouch Saffron Walden West Mersea Wivenhoe
BERKSHIRE Wallingford Wantage	GLoucestershire Nailsworth Tewkesbury	HEREFORDSHIRE Bromyard Kington Ledbury
BUCKINGHAMSHIRE Buckingham Linslade Marlow Newport Pagnell	DORSETSHIRE Blandford Forum Lyme Regis Shaftesbury Sherborne Wareham Wimborne Minster	HERTFORDSHIRE Baldock Chorleywood Royston Sawbridgeworth Stevenage
CHESHIRE Alsager Longendale	DURHAM Barnard Castle Tow Law	HUNTINGDONSHIRE Godmanchester Huntingdon Ramsey St. Ives St. Neots
CORNWALL Bodmin Bude Stratton Fowey Helston Launceston Liskeard Looe Lostwithiel Padstow Penryn St. Just Torpoint	ELY, ISLE OF Chatteris	KENT Lydd New Romney Queenborough Sandwich Tenterden
DERBYSHIRE Bakewell Whaley Bridge Wirksworth		

ENGLAND (excluding Monmouthshire)—contd.

LANCASHIRE Carnforth Grange	OXFORDSHIRE Bicester Chipping Norton Thame Woodstock	SUFFOLK—contd. Stowmarket Woodbridge
LINCOLNSHIRE (Parts of Kesteven) Bourne	RUTLANDSHIRE Oakham	SUSSEX Arundel Burgess Hill Rye
LINCOLNSHIRE (Parts of Lindsey) Alford Barton-upon-Humber Brigg Horncastle Mablethorpe and Sutton Market Rasen Woodhall Spa	SHROPSHIRE Bishop's Castle Church Stretton Ellesmere Market Drayton Newport Wem	WESTMORLAND Appleby The Lakes
NORFOLK Cromer Diss Downham Market New Hunstanton North Walsham Sheringham Swaffham Thetford Wells Wymondham	SOMERSETSHIRE Chard Crewkerne Glastonbury Ilminster Portishead Shepton Mallet Street Watchet Wellington	WILTSHIRE Bradford-on-Avon Calne Malmesbury Marlborough Melksham Westbury Wilton
NORTHAMPTON- SHIRE Brackley Burton Latimer Higham Ferrers Oundle	SUFFOLK Aldeburgh Beccles Bungay Eye Hadleigh Halesworth Haverhill Leiston-cum-Sizewell Saxmundham Southwold Sudbury	WORCESTERSHIRE Bewdley Droitwich
NORTHUMBERLAND Alnwick Amble		YORKSHIRE Hedon Hornsea Malton Norton Pickering Richmond Tickhill Withernsea
	WALES AND MONMOUTHSHIRE	
ANGLESEY Amlwch Beaumaris Llangefni Menai Bridge	CARDIGANSHIRE Aberayron Cardigan Lampeter New Quay	FLINTSHIRE Buckley Mold
BRECKNOCKSHIRE Builth Wells Hay Llanwrtyd	CARMARTHENSHIRE Cwmamman Kidwelly Llandilo Llandovery Newcastle Emlyn	GLAMORGANSHIRE Cowbridge
CAERNARVONSHIRE Bethesda Bettws-y-Coed Criccieth Llanfairfechan Penmaenmawr Portmadoc Pwllheli	DENBIGHSHIRE Llangollen Llanrwst Ruthin	MERIONETHSHIRE Bala Barmouth Dolgelley Towyn
		MONMOUTHSHIRE Caerleon Chepstow Usk

WALES AND MONMOUTHSHIRE—contd.

MONTGOMERYSHIRE	PEMBROKESHIRE	RADNORSHIRE
Llanfyllin	Fishguard and	Knighton
Llanidloes	Goodwick	Llandrindod Wells
Machynlleth	Narberth	Presteign
Montgomery	Neyland	
Newtown and	Tenby	
Llanllwchaiarn		
Welshpool		

(4) Any reference to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

21.—(1)—(i) Subject to the provisions of sub-paragraph (2) of this paragraph, the workers to whom this Schedule applies are all workers employed in Great Britain in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

(a) wholly or mainly in the retail drapery, outfitting and footwear trades ;
or

(b) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix to this paragraph, and to a greater extent in the retail drapery, outfitting and footwear trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this sub-paragraph

(a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades ;

(b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say—

(i) workers employed on the making, trimming, fitting, alteration or repair of wearing apparel ;

(ii) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Council ;

(iii) workers employed on post office business ;

(iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners) ;

(v) workers employed on the cutting, sewing, making up and fixing of blinds, curtains, pelmets and loose covers ;

(vi) workers employed as watchmen.

(3) For the purpose of this Schedule the retail drapery, outfitting and footwear trades consist of

(i) the sale by retail of

(a) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);

(b) haberdashery;

(c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering);

(d) knitting, rug, embroidery, crochet and similar wools or yarns;

(e) made-up household textiles (but excluding mattresses and floor coverings);

(f) umbrellas, sunshades, walking sticks, canes and similar articles;

(ii) operations in or about the shop or other place where any of the articles included in (i) of this sub-paragraph are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(iii) operations in connection with the warehousing or storing of any of the articles included in (i) of this sub-paragraph for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

(iv) operations in connection with the transport of any of the articles included in (i) of this sub-paragraph when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (iii) of this sub-paragraph; and

(v) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (i) of this sub-paragraph and relating to such sale or to any of the operations specified in (ii) to (iv) of this sub-paragraph;

and for the purpose of this definition the sale by retail of any of the articles in (i) of this sub-paragraph includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (i) of this sub-paragraph.

APPENDIX TO PARAGRAPH 21

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1.—The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;

- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above; and
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above;

but not including

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2.—The Retail Furnishing and Allied Trades, that is to say—

(1) the sale by retail of the following articles:—

- (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;
- (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;
- (c) hand tools;
- (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments;
- (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;
- (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;
- (g) radio and television sets and their accessories and component parts;
- (h) pedal cycles and their accessories and component parts;
- (i) perambulators, push chairs and invalid carriages;
- (j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;
- (k) saddlery, leather goods (other than articles of wearing apparel), travel goods and ladies' handbags;
- (l) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);
- (m) brushes, mops and brooms, used for household purposes, and similar articles;
- (n) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 3.—The Retail Bookselling and Stationery Trades, that is to say—

(1) the sale by retail of the following articles :—

(a) books (excluding printed music and periodicals) ;

(b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record ;

(c) pens, pencils, ink, blotting paper and similar articles ;

(d) maps and charts ;

(e) wrapping and adhesive paper, string, paste and similar articles ;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4.—The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

(1) the sale by retail of the following articles :—

(a) newspapers, magazines and other periodicals ;

(b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;

(c) articles of sugar confectionery and chocolate confectionery and ice-cream ;

- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
 - (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
 - (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
 - (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.
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EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 29th June 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Retail Drapery, Outfitting and Footwear) Order 1962 (Order R.D.O. (40)), as amended by the Wages Regulation (Retail Drapery, Outfitting and Footwear) (Amendment) Order 1963 (Order R.D.O. (42)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 757

WAGES COUNCILS**The Wages Regulation (Stamped or Pressed Metal-Wares) Order 1964**

Made - - - - 25th May 1964
Coming into Operation 8th June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as “the Minister”) has received from the Stamped or Pressed Metal-Wares Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Stamped or Pressed Metal-Wares) Order 1964.

2.—(1) In this Order the expression “the specified date” means the 8th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression “the specified date” means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Stamped or Pressed Metal-Wares) Order 1962(c), shall cease to have effect.

Signed by order of the Minister of Labour.

25th May 1964.

W. S. I. Whitelaw,
 Parliamentary Secretary,
 Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1962/2547 (1962 III, p. 3418).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Stamped or Pressed Metal-Wares) Order 1962(a) (Order Q. (94)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

- 1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies (except in any week for which guaranteed weekly remuneration is payable under paragraph 10) is as follows, that is to say:—
- (a) for all work except work to which a minimum overtime rate applies under Part IV of this Schedule—
 - (i) in the case of a time worker, the hourly general minimum time rate applicable to the worker,
 - (ii) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate applicable to the worker ;
 - (b) for all work to which a minimum overtime rate applies under Part IV of this Schedule, that rate.
- (2) In this Schedule, the expressions “ hourly general minimum time rate ” and “ hourly piece work basis time rate ” mean respectively the weekly general minimum time rate and the weekly piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided, in either case, by 42.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS
TIME RATESPOLISHERS, BRAZIERS, BURNISHERS, DROP-STAMPERS, DIPPERS
WHO ARE ALSO BRONZERS, DIPPERS OR ANNEALERS

2. The general minimum time rates and piece work basis time rates applicable to male workers employed as POLISHERS, BRAZIERS, BURNISHERS, DROP-STAMPERS, DIPPERS who are also BRONZERS, DIPPERS or ANNEALERS are:—
- (1) in the case of workers aged 21 years or over, as follows:—

(a) S.I. 1962/2547 (1962 III, p. 3418).

	General minimum time rates Per week of 42 hours		Piece work basis time rates Per week of 42 hours	
	Workers aged 21½ years or over	Workers aged 21 and under 21½ years	Workers aged 21½ years or over	Workers aged 21 and under 21½ years
	s. d.	s. d.	s. d.	s. d.
(a) Polishers:—				
Grade I	191 6	184 3	199 3	194 3
Grade II	201 0	201 0	211 6	211 6
Grade III	213 8	213 8	225 2	225 2
(b) Braziers, burnishers, drop-stampers or dippers who are also bronzers:—				
Grade I	191 6	184 3	199 3	194 3
Grade II	199 0	199 0	208 9	208 9
Grade III	211 8	211 8	222 5	222 5
(c) Dippers or annealers ...	191 6	184 3	199 3	194 3

Provided that where a worker is employed on work of more than one grade the rate applicable in respect of all such work shall be that applicable to the highest grade upon which he is employed.

(2) in the case of workers aged less than 21 years, as follows:—

	General minimum time rates Per week of 42 hours	Piece work basis time rates Per week of 42 hours
	s. d.	s. d.
Aged 20 and under 21 years	138 6	147 9
" 19 " " 20 "	121 11	129 5
" 18 " " 19 "	104 9	110 9
" 17 " " 18 "	86 5	91 8
" 16 " " 17 "	73 1	77 1
" under 16 years	59 11	63 2

ALL OTHER MALE WORKERS

3. The following general minimum time rates and piece work basis time rates are applicable to male workers other than the workers specified in paragraph 2:—

	General minimum time rates	Piece work basis time rates
	Per week of 42 hours	Per week of 42 hours
	s. d.	s. d.
Aged 21 years or over	176 0	185 2
„ 20 and under 21 years	141 6	147 11
„ 19 „ „ 20 „	123 9	129 3
„ 18 „ „ 19 „	107 2	111 9
„ 17 „ „ 18 „	88 10	92 6
„ 16 „ „ 17 „	73 10	77 6
„ under 16 years	56 5	58 3

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

POLISHERS OR DROP-STAMPERS

4. The general minimum time rates and piece work basis time rates applicable to female workers employed as POLISHERS or DROP-STAMPERS are:—

	General minimum time rates	Piece work basis time rates
	Per week of 42 hours	Per week of 42 hours
	s. d.	s. d.
(1) in the case of workers aged 18 years or over:—		
(a) during the first 12 months of employment		
after the age of 18 years	146 8	154 0
(b) thereafter	150 4	
Provided that where a worker is first employed as a polisher or drop-stamper at or over the age of 18 years the rates applicable during the first two months of such employment shall be	142 1	153 1
(2) in the case of workers aged—		
17 and under 18 years	112 8	123 8
16 „ „ 17 „	92 9	114 9
under 16 years	72 9	104 10

HAND BRUSH JAPANNERS, HAND BRUSH LACQUERERS, BLOW PIPE BRAZIERS, SOLDERERS AND DIPPERS

5. The general minimum time rates and piece work basis time rates applicable to female workers—

who are employed as **HAND BRUSH JAPANNERS** capable of finishing all classes of work (or, in the case of workers aged under 18 years, are training to qualify as such) ; or

who are employed as **HAND BRUSH LACQUERERS** capable of finishing all classes of work (or, in the case of workers aged under 18 years, are training to qualify as such) ; or

who are employed as **BLOW PIPE BRAZIERS** using hard solder ; or

who are employed as **SOLDERERS** using ordinary hand iron or blow pipe with bar, strip or wire solder ; or

who are employed as **DIPPERS** engaged wholly or partially in dipping articles into any of the following acids:—aqua fortis, hydrochloric acid or sulphuric acid ;

are as follows:—

	General minimum time rates Per week of 42 hours	Piece work basis time rates Per week of 42 hours
	s. d.	s. d.
(1) in the case of workers aged 18 years or over:—		
(a) during the first 12 months of employment		
after the age of 18 years	142 1	150 4
(b) thereafter	146 8	
Provided that where a worker is first employed		
in any of the said operations at or over the age of		
18 years the rates applicable during the first two		
months of such employment shall be	138 5	149 5
(2) in the case of workers aged—		
17 and under 18 years	109 0	120 0
16 " " 17 "	89 1	111 1
under 16 years	68 2	101 2

ALL OTHER FEMALE WORKERS

6. The following general minimum time rates and piece work basis time rates are applicable to female workers other than the workers specified in paragraph 4 or 5:—

	General minimum time rates Per week of 42 hours		Piece work basis time rates Per week of 42 hours	
	s.	d.	s.	d.
Aged 18 years or over	140	3	145	9
„ 17 and under 18 years	105	4	109	11
„ 16 „ „ 17 „	86	4	90	0
„ under 16 years	66	4	70	0

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

7. Subject to the provisions of this Schedule, minimum overtime rates are payable to any worker as follows:—

- (1) on a Sunday or a customary holiday—for all time worked double time
- (2) on a Saturday, not being a customary holiday—for all time worked in excess of 4½ hours time-and-a-half
- (3) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the preceding provisions of this paragraph—
 - (a) for the first two hours worked in excess of 42 time-and-a-quarter
 - (b) thereafter time-and-a-half

8. In this Part of this Schedule:—

- (1) the expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively—
 - (a) in the case of a time worker, one and one quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker;
 - (b) in the case of a worker employed on piece work,
 - (i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be payable to the worker if he were a time worker and a minimum overtime rate did not apply and, in addition thereto,

- (ii) piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate applicable to the worker.
- (2) the expression "customary holiday" means—
- (a) (i) In England and Wales—
- Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;
- (ii) In Scotland—
- New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;
- the local Spring holiday ;
- the local Autumn holiday ; and
- three other days (being days on which the worker normally works for the employer) in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;
- (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) such weekday as may be substituted therefor, being a day recognised by local custom as a day of holiday in substitution for the said day or a day agreed between the employer and the worker or his representative.

WAITING TIME

- 9.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent, express or implied ;
- (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
- (c) by reason only of the fact that he is resident thereon ;
- (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

PART V

GUARANTEED WEEKLY REMUNERATION

- 10.—(1) Subject to the provisions of this paragraph, a worker who ordinarily works for the employer at least 34 hours weekly on work to which this Schedule applies shall be paid the guaranteed weekly remuneration in respect of any week in which he is in the employment of the employer, and either performs no work to which this Schedule applies or works for less than 34 hours on such work.

- (2) The guaranteed weekly remuneration is 34 hours' pay calculated at the general minimum time rate ordinarily applicable to the worker:

Provided that where in any week a worker is absent from work by reason of a recognised holiday allowed by his employer, not being a holiday allowed to the worker under the provisions of the Wages Councils Act 1959, the worker's guaranteed weekly remuneration in that week shall be reduced by an amount which is in the same proportion to 34 hours' pay, calculated as aforesaid, as the number of hours for which the worker is absent from work in that week by reason of the recognised holiday is to the number of hours ordinarily worked in a week by him for the employer on work to which this Schedule applies; and for the purposes of this proviso the expression "recognised holiday" means—

- (a) a customary holiday within the meaning of sub-paragraph (2) of paragraph 8; and
 - (b) during the twelve months commencing on 1st May in each year, one period of not more than fifteen consecutive days or two periods of consecutive days aggregating not more than sixteen days being the period or periods during which the establishment at which the worker ordinarily works is closed for the purpose of giving persons there employed an annual holiday.
- (3) The guaranteed weekly remuneration in any week shall be reduced by the amount of any holiday remuneration paid, or payable, by the employer to the worker in respect of any holiday allowed to, and taken by, the worker in that week under the provisions of the Wages Councils Act 1959.
- (4) In calculating the number of hours worked in any week for the purposes of this paragraph, the worker shall be treated as though he had worked on any holiday allowed to, and taken by, him in that week under the provisions of the Wages Councils Act 1959, the number of hours ordinarily worked by him on that day of the week, provided that the worker shall not be treated as having worked in any week throughout which he is on holiday.
- (5) Payment of the guaranteed weekly remuneration in any week is subject to the condition that the worker throughout the period of his ordinary employment in that week, excluding any day allowed to him as a holiday, (whether under the Wages Councils Act 1959, or because the day is, or forms part of, a recognised holiday, as defined in the proviso to sub-paragraph (2) of this paragraph) is—
- (a) capable of and available for work; and
 - (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available to him in the establishment in which he is employed.
- (6) The guaranteed weekly remuneration shall not be payable to a worker for any week—
- (a) in which work is not available for him by reason of a strike or lock-out; or
 - (b) in which the worker has been dismissed on the grounds of serious misconduct; or
 - (c) if at any time in the week the worker is absent from work by reason of sickness; or
 - (d) if at any time in the week or during the preceding four weeks the worker has been absent from work without the leave of his employer; or

- (e) in which the amount of remuneration payable to the worker, calculated in accordance with the preceding paragraphs of this Schedule, exceeds the amount of the remuneration which would be payable to him under the provisions of this paragraph.
- (7) The guaranteed weekly remuneration applicable to a piece worker shall be the sum to which he would be entitled if he were a time worker.

PART VI

INTERPRETATION

11. In this Schedule the expressions "Grade I", "Grade II" and "Grade III" have the following meanings—

(1) in the case of a **POLISHER**

"Grade I" means a worker employed in polishing who is not of Grade II or Grade III ;

"Grade II" means a worker who has had not less than six years' experience as a polisher, is employed in any process of any class of common work and bobs or mops ;

"Grade III" means a worker who, in addition to fulfilling the conditions of Grade II, is also an expert in all processes of both common and best work or is a charge hand responsible for all work and order in the shop ;

(2) in the case of a **BRAZIER**

"Grade I" means a worker employed in brazing who is not of Grade II or Grade III ;

"Grade II" means a worker who has had not less than six years' experience as a brazier, and is employed in brazing all classes of metal except aluminium ;

"Grade III" means a worker who, in addition to fulfilling the conditions of Grade II, is also employed in brazing aluminium or is a charge hand responsible for all work and order in the shop ;

(3) in the case of a **BURNISHER**

"Grade I" means a worker employed in burnishing who is not of Grade II or Grade III ;

"Grade II" means a worker who has had not less than six years' experience as a burnisher, is employed as a hook and straight burnisher at the vice and satisfactorily burnishes deep thin shell work at the lathe ;

"Grade III" means a worker who, in addition to fulfilling the conditions of Grade II, is an expert in speed and quality in all classes of work or is a charge hand responsible for all work and order in the shop ;

(4) in the case of a **DROP-STAMPER**

"Grade I" means a worker employed in drop-stamping who is not of Grade II or Grade III ;

"Grade II" means a worker who has had not less than six years' experience as a drop-stamper and is employed in all classes of deep or shallow work ;

"Grade III" means a worker who, in addition to fulfilling the conditions of Grade II, is an expert in all classes of work or is a charge hand responsible for all work and order in the shop ;

(5) in the case of a DIPPER WHO IS ALSO A BRONZER

"Grade I" means a worker employed in dipping and bronzing who is not of Grade II or Grade III ;

"Grade II" means a worker who has had not less than six years' experience as a dipper and bronzer and is employed in dipping or bronzing, or on art bronzing and colouring, or electro-plating ;

"Grade III" means a worker who, in addition to fulfilling the conditions of Grade II, has also an expert knowledge of art bronzing or metal colouring or electro depositing and solutions or is a charge hand responsible for all work and order in the shop.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

12. This Schedule does not apply to workers who are persons registered as handicapped by disablement in pursuance of the Disabled Persons (Employment) Acts 1944 and 1958(a), in respect of their employment by Remploi Limited, but save as aforesaid applies to workers in relation to whom the Stamped or Pressed Metal-Wares Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Stamped or Pressed Metal-Wares Trade, Great Britain) (Constitution and Proceedings) Regulations 1924(b), namely:—

- (1) the manufacture from metal in sheet or strip form by cold stamping or cold pressing of articles known in the trade as metal small wares ;
- (2) the cutting, shearing, annealing and hardening of metal in an establishment in which the metal is used for such manufacture ;
- (3) the covering of corset steels prior to capping or tipping in an establishment in which the steels are capped or tipped ;
- (4) finishing (including dipping, nickelling, plating, tinning, japanning, stove-enamelling, lacquering, bronzing, colouring, painting, varnishing, barrelling, burnishing, grinding, planishing, polishing, and the capping, counting, lopping, studding, or tipping of corset busks or steels) and similar operations when done in conjunction with such manufacture ;
- (5) viewing, inspecting, testing, sorting, boxing, carding, carrying, delivering, despatching, labelling, packeting, packing, portering, warehousing, weighing and similar processes or operations when done in conjunction with such manufacture ;
- (6) the assembling of the above-mentioned wares or parts thereof, whether the things assembled are made inside or outside Great Britain ; and
- (7) any process or operation which is included in the Button-making Trade, as defined for the purposes of the Trade Boards Acts, when carried on in an establishment mainly engaged in any of the processes or operations defined in the preceding sub-paragraphs hereof ;

excluding:

- (i) the production by the processes and operations defined in sub-paragraphs (1) to (6) above of any article or part of any article in an establishment in which such article or part is incorporated with or fitted to any other article made in that establishment or part of any other article made in that establishment, unless
 - (a) such other article or part is wholly or mainly made by the processes or operations specified in sub-paragraphs (1) to (4) and (6) above, or
 - (b) the establishment is mainly engaged in the processes or operations specified in sub-paragraphs (1) to (7) above ;

- (ii) any processes or operations included in the following Orders or any amendments or variations thereof:—
- the Trade Boards (Coffin Furniture and Cerement-making) Order 1919(a);
 - the Trade Boards (Hollow-ware) Order 1913(b);
 - the Trade Boards (Perambulator and Invalid Carriage) Order 1919(c);
 - the Trade Boards (Pin, Hook and Eye, and Snap Fastener) Order 1919(d);
 - the Trade Boards (Toy) Order 1920(e);
- (iii) (a) the manufacture of articles known in the trade as real or imitation jewellery, and (b) the manufacture of any article or part of any article in an establishment mainly engaged in the manufacture of such jewellery;
- (iv) (a) the manufacture of steel and base metal pens and loose leaf metals, and (b) the manufacture of any article or part of any article in an establishment mainly engaged in the manufacture of such pens or metals;
- (v) (a) the manufacture of locks and latches (other than locks which are parts of fittings of bags or cases), and (b) the manufacture of any article or part of any article in an establishment mainly engaged in the manufacture of such locks or latches;
- (vi) the manufacture of any article or part of any article in an establishment mainly engaged in the manufacture of any electrical machinery appliances, apparatus or accessories other than small electric light fittings;
- (vii) the manufacture of any article or part of any article in an establishment mainly engaged in the manufacture of cast iron hollow-ware;
- (viii) any operation done in an establishment mainly engaged in work known in the trade as the work of an establishment of an outplater to the trade;
- (ix) (a) the manufacture of the component parts of cycles, motor cars or motor cycles, and (b) the manufacture of any article or part of any article when made in an establishment mainly engaged in the manufacture of cycles, motor cars or motor cycles, or of component parts of cycles, motor cars or motor cycles;
- (x) the manufacture of accessories or parts thereof primarily intended for use on motor cars;
- (xi) the manufacture of any article or part of any article known in the trade as electro-plate and articles of similar character if manufactured of Britannia metal or nickel or similar white alloys;
- (xii) the manufacture of any article or part of any article from precious metals, or base metals covered when in sheet or strip form wholly or partially by any process or operation with precious metals;
- (xiii) the manufacture of any article or part of any article from wire, either round, flat or shaped;
- (xiv) the manufacture of lamps, medals, iron and steel hinges, harness furniture, driving chains, ammunition, domestic kitchen utensils or parts of such articles;
- (xv) processes or operations specified in sub-paragraphs (1) to (6) above, when performed in an establishment mainly engaged in any process or operation which is included in the Button-making Trade as defined for the purposes of the Trade Boards Acts.

(a) S.R. & O. 1919/1839 (1919 II, p. 508).
 (c) S.R. & O. 1919/1796 (1919 II, p. 521).
 (e) S.R. & O. 1920/470 (1920 II, p. 792).

(b) Confirmed by 3 & 4 Geo. 5. c. clxii.
 (d) S.R. & O. 1919/1840 (1919 II, p. 523).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order which has effect from 8th June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Stamped or Pressed Metal-Wares) Order 1962, (Order Q. (94)) which is revoked.

New provisions are printed in italics.

1964 No. 758

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rating Relief (Grants) Regulations 1964

<i>Made</i> - - - -	26th May 1964
<i>Laid before Parliament</i>	29th May 1964
<i>Coming into Operation</i>	1st June 1964

The Minister of Housing and Local Government, in exercise of his powers under section 7 of the Rating (Interim Relief) Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rating Relief (Grants) Regulations 1964 and shall come into operation on 1st June 1964.

Interpretation

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Rating (Interim Relief) Act 1964;

“the Minister” means the Minister of Housing and Local Government;

“year” means a period of twelve months beginning with 1st April in any calendar year.

Estimates of population

3.—(1) For the purposes of section 1 of the Act (under which a grant is payable by reference to the proportion of elderly persons in the population) the population of, and the number of persons over the age of sixty-five in, the area of any rating authority shall be taken as estimated by the Registrar General for England and Wales as at 30th June in the year in respect of which a grant under that section is payable and certified to the Minister.

(2) For the purposes of any such estimate as aforesaid, any area forming part of an administrative county but lying within the extent of a county borough shall, unless the Minister otherwise directs, be treated as forming part of the county borough.

Estimates and calculations of grants

4.—(1) The Minister shall, as soon as practicable after the commencement of these regulations and before the beginning of each year thereafter, estimate upon the best information available and notify to each rating authority the amount (if any) of grant payable in respect of a year to that authority under section 1 of the Act and may make and notify to the authority such further estimates of the said amount, taking into account information not previously available, as he may think fit.

(2) The Minister shall, as soon as practicable, estimate upon the best information available and notify to each rating authority the amount (if any) of grant payable in respect of any year to that authority under section 5 of the Act (under which a grant is payable to a rating authority in respect of rating relief afforded by them under section 2 of the Act) and may make and notify to the authority such further estimates of the said amount, taking into account information not previously available, as he may think fit.

(3) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Minister shall calculate the amounts of the grants payable to a rating authority under sections 1 or 5 of the Act in respect of any year and shall notify the results to the authority.

(4) If in making any estimate or calculation under these regulations the amount so estimated or calculated includes a fraction of a pound, the amount shall be increased or reduced, as the case may be, to the nearest complete pound, so however that if the fraction is ten shillings, the fraction shall be treated as one pound.

Recovery of over-payments

5. Where it appears from a further estimate or calculation of the amount of any grant payable to a rating authority under sections 1 or 5 of the Act that sums in excess of the amount of that estimate, or of that calculation (as the case may be), have already been paid on account of that grant to that authority, the amount of the excess shall be recoverable either by deduction from any payment falling to be made to that authority on account of any grants payable to that authority by the Minister after the date on which the result of the further estimate or calculation has been notified to the authority, or by payment by the authority to the Minister after a demand therefor, or partly by such deduction and partly by such payment.

Given under the official seal of the Minister of Housing and Local Government on 26th May 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide that, for the purposes of elderly persons grants under section 1 of the Rating (Interim Relief) Act 1964, the population and number of persons over 65 years of age are to be as estimated by the Registrar General as at 30th June in the grant year. The Regulations also provide for the estimates and final calculation of the amounts of these grants and of the grants under section 5 of the Act in respect of rating relief afforded by rating authorities and for the recovery of over-payments.

1964 No. 760

FOOD AND DRUGS
COMPOSITION AND LABELLING
The Soft Drinks Regulations 1964

<i>Made</i>	21st May 1964
<i>Laid before Parliament</i>	1st June 1964
<i>Coming into Operation</i>	
<i>Regulations 1 and</i>	
18(1)	2nd June 1964
<i>Remainder</i>	2nd June 1965

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 136(2) of, and paragraph 2(2) of Schedule 12 to, the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act (insofar as the regulations relate to the labelling, marking or description of food):—

Citation and commencement

1. These regulations may be cited as the Soft Drinks Regulations 1964; and shall come into operation as follows:—

- (a) this regulation and regulation 18(1) shall come into operation on 2nd June 1964;
- (b) in all other respects, these regulations shall come into operation on 2nd June 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs Act 1955;

“carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water;

“comminuted citrus drink” means a soft drink produced by a process involving the comminution of the entire citrus fruit;

“container” means any vessel, can, box or carton capable of containing a soft drink which is, has been or is capable of being, closed and includes any kind of bottle, but does not include any counter dispenser or vending machine or any unclosed cup, mug, glass or other unclosed drinking vessel;

“crush” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption without dilution and includes any cordial intended for consumption without dilution;

“cyclamic acid” means cyclohexylsulphamic acid being the substance defined as such in Schedule 1 to these regulations and includes calcium cyclamate and sodium cyclamate as so defined ;

“food and drugs authority” has the meaning assigned to it by section 83 of the Act ;

“fruit juice” means the clean, sound, undiluted juice of the fruit or fruits from which it is obtained ;

“permitted artificial sweetener” means saccharin or cyclamic acid ;

“potable fruit content” means the total of the fruit constituents of a soft drink derived from the juice, pith and peel ;

“printing” includes the processes of embossing and firing-on, and “printed” shall be construed accordingly ;

“registered trade mark” and “trade mark” have the meaning respectively assigned to each by section 68(1) of the Trade Marks Act 1938(a) ;

“retail sale” means any sale to a person buying otherwise than for the purpose of resale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business ;

“saccharin” means the substance defined as such in Schedule 1 to these regulations and includes saccharin calcium and saccharin sodium as so defined ;

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly ;

“soft drink” means any liquid intended for sale as drink for human consumption, either without or after dilution, and includes—

- (a) any fruit drink, and any fruit juice squash, crush or cordial ;
- (b) soda water, Indian or quinine tonic water, and any sweetened artificially carbonated water whether flavoured or unflavoured ;
- (c) ginger beer and any herbal or botanical beverage ;

but does not include—

- (i) water (except as aforesaid) ;
- (ii) water from natural springs, either in its natural state or with added mineral substances ;
- (iii) fruit juice, sweetened or unsweetened, whether concentrated or frozen or not ;
- (iv) milk or any preparation of milk ;
- (v) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate ;
- (vi) any egg product ;
- (vii) any cereal product, except—
 - (aa) flavoured barley water and liquid products used in the preparation of barley water, and
 - (ab) cereal products containing alcohol, which are not intoxicating liquor as defined in accordance with sub-paragraph (x) hereof ;
- (viii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product ;
- (ix) tomato juice, vegetable juice, or any preparation of any such juice or juices ;

(x) intoxicating liquor as defined in the Licensing Act 1953(a) ;

(xi) any other unsweetened drink except soda water ;

and for the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as a medicine ;

“squash” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption after dilution and includes any cordial intended for consumption after dilution ;

“sugar” means any soluble carbohydrate sweetening matter ;

“sweetened” means containing any added sugar or added polyhydric alcohol or any permitted artificial sweetener ; and “unsweetened” shall be construed accordingly.

AND other expressions have the same meaning as in the Act.

(2) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(3) For the purposes of these regulations, the supply of any drink, otherwise than by sale, at, in or from any place where drink is supplied in the course of a business shall be deemed to be a sale of that drink, and any reference to a purchaser shall be construed accordingly.

(4) For the purposes of the Labelling of Food Order 1953(b), as amended(c), these regulations, insofar as they prescribe requirements as to composition for a soft drink, shall be taken to prescribe a standard for a soft drink.

(5) Any reference in these regulations to any order or other regulations shall be construed as a reference to such order or regulations as amended by any subsequent order or regulations, and if any order or regulations referred to in these regulations is or are replaced by any subsequent order or regulations, the reference shall be construed as a reference to such subsequent order or regulations, as the case may be.

(6) The Interpretation Act 1889(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the orders and regulations hereby revoked were Acts of Parliament.

3. The Food Standards (General Provisions) Order 1944(e), as amended(f), and the Artificial Sweeteners in Food Order 1953(g) shall not apply as respects any soft drink for which requirements respectively as to composition or as to the use of permitted artificial sweeteners are specified in these regulations.

Exemptions

4.—(1) The following provisions of these regulations shall not apply—

(a) in relation to any soft drink intended at the time of sale for exportation to any place outside the United Kingdom or for use as ship's stores ;

(b) in relation to any soft drink supplied under Government Contracts for consumption by Her Majesty's forces or intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(h) ;

(c) in relation to any sale, consignment or delivery of a soft drink to a manufacturer for the purposes of his manufacturing business ;

(d) in relation to any sale of a soft drink otherwise than in a container ;

(a) 1 & 2 Eliz. 2. c. 46. (b) S.I. 1953/536 (1953 I, p. 665). (c) The relevant amending instruments are S.I. 1953/1889, 1959/471 (1953 I, p. 685; 1959 I, p. 1326).

(d) 52 & 53 Vict. c. 63. (e) S.R. & O. 1944/42 (1944 II, p. 505). (f) S.R. & O. 1944/654 (1944 II, p. 508). (g) S.I. 1953/1311 (1953 I, p. 662). (h) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

(2) The provisions of regulations 7 to 11 inclusive, 13 and 14 of these regulations shall not apply in relation to any sale, other than a retail sale, of any soft drink in a container containing more than one gallon.

Requirements as to composition for soft drinks

5.—(1) No soft drink shall contain any added artificial sweetener other than a permitted artificial sweetener, and no person shall sell, consign or deliver any soft drink which does not comply with this provision.

(2) Subject to the following provisions of this regulation, any soft drink intended for consumption without dilution which is of a description included in Part I of Schedule 2 or Part I of Schedule 3 to these regulations shall conform to the requirements as to composition set out in relation thereto in the relevant Part I as respects the fruit juice or potable fruit content, as the case may be, the quantities of added sugar and permitted artificial sweetener therein, and the other requirements therein specified:

Provided that—

(a) any soft drink (other than soda water) intended for consumption without dilution which is of a description included in Part I of Schedule 2 to these regulations may contain up to the maximum quantity of permitted artificial sweetener specified in columns 4 and 5 of Part II of the said Schedule (calculated as therein required) if that soft drink also contains not less than $22\frac{1}{2}$ pounds of sugar per 10 gallons;

(b) if any soft drink to which this paragraph applies is subjected to brewing in the course of its manufacture, allowance shall be made, in assessing the minimum quantity of added sugar therein, for any change in sugar content due to fermentation during such brewing.

(3) Subject to the following provisions of this regulation, any soft drink intended for consumption after dilution which is of a description included in Part II of Schedule 2 or Part II of Schedule 3 to these regulations shall conform to the requirements as to composition set out in relation thereto in the relevant Part II as respects the fruit juice or potable fruit content, as the case may be, and the quantities of added sugar and permitted artificial sweetener therein.

(4) No soft drink intended for consumption, without or after dilution, by persons suffering from diabetes shall contain any added sugar and no provision of these regulations specifying a maximum quantity of permitted artificial sweetener shall apply in relation to any such soft drink.

(5) Any soft drink intended for consumption, without or after dilution, as a low calorie soft drink shall, in addition to conforming to the relevant requirements as respects the fruit juice or potable fruit content, as the case may be, comply with a maximum calorie content as follows:—

(a) if intended for consumption after dilution it shall contain not more than 7.5 calories per fluid ounce;

(b) if intended for consumption without dilution it shall contain not more than 1.5 calories per fluid ounce;

Provided that provisions of these regulations specifying a minimum quantity of added sugar or a maximum quantity of permitted artificial sweetener shall not apply in relation to any such soft drink.

(6) No person shall sell any drink under such a description as to lead an intending purchaser to believe that he is purchasing a soft drink to which paragraph (2), (3), (4) or (5) of this regulation applies unless the drink complies with the appropriate requirements as to composition set out in those paragraphs in relation to that soft drink.

(7) Where a person sells any drink to a purchaser in response to a request for a soft drink to which paragraph (2), (3), (4) or (5) of this regulation applies, he shall be deemed to sell that soft drink and under such a description as is specified in the last foregoing paragraph unless he clearly notifies the purchaser at the time of sale that the drink is not that soft drink.

Addition of acids to soft drinks

6.—(1) Subject to the provisions of these regulations and save as hereinafter provided, no soft drink shall contain any added acid:

Provided that—

(a) any soft drink may contain ascorbic acid, citric acid, lactic acid, malic acid, nicotinic acid, tartaric acid and any acid inasmuch as the use of that acid in that soft drink is permitted by the Preservatives in Food Regulations 1962(a) or the Colouring Matter in Food Regulations 1957(b);

(b) any soft drink other than a fruit squash, a fruit crush or a comminuted citrus drink may contain acetic acid and phosphoric acid.

(2) No person shall sell, consign or deliver any soft drink which does not comply with this regulation.

Labelling of soft drinks

7.—(1) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus squash (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that citrus squash the word "squash" immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

(a) in the case of any clear citrus squash, other than a clear squash made from lime juice, the word "cordial" may be substituted for the word "squash" on the label;

(b) in the case of a clear squash made from lime juice the words "lime juice cordial" shall appear on the label as a description of that drink;

(c) in the case of any squash prepared from citrus juice and barley water and from no other fruit juice, the words "barley water" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus crush (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that citrus crush the word "crush" immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

(a) in the case of any clear citrus crush, the word "cordial" may be substituted for the word "crush" on the label;

(b) in the case of any crush prepared from citrus juice and barley water and from no other fruit juice, the words "barley crush" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(3) Subject to the provisions of these regulations, no person shall sell, consign or deliver any comminuted citrus drink (whether or not it contains

(a) S.I. 1962/1532 (1962 II, p. 1655).

(b) S.I. 1957/1066 (1957 I, p. 996).

a bitter principle) in a container unless that container bears a label on which there appears as the description of that comminuted citrus drink the word "drink" immediately preceded by the name of the appropriate citrus fruit or fruits :

Provided that in the case of any comminuted citrus drink prepared from comminuted citrus fruit and barley water and from no other fruit, the words "barley drink" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

8.—(1) No person shall sell, consign or deliver any soft drink, which does not comply with the compositional requirements of these regulations as respects fruit juice or potable fruit content, in a container bearing a label on which there appears—

(a) any pictorial device suggestive of any fruit or fruits ;

(b) any word suggestive of any fruit or fruits not represented in the flavouring of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any soft drink which does not comply with compositional requirements as respects fruit juice or potable fruit content, in a container bearing a label on which any word suggestive of any fruit is used in relation to that drink unless that label also bears, equally conspicuously and legibly, either—

(a) a word comprising the name of the fruit so suggested followed by the suffix "ade" ; or

(b) where appropriate a phrase consisting of the names of the fruits so suggested with the suffix "ade" added to the end of the last of such names ; or

(c) the word "flavour" immediately preceded by the name or names of the fruit or fruits so suggested.

9. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a semi-sweet soft drink unless there appears on the label of that container the words "semi-sweet" immediately preceding the description of that soft drink.

10. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a drink for consumption by persons suffering from diabetes unless there appears on the label of that container the word "diabetic" immediately preceding the description specified in these regulations for that soft drink, or where no description is so specified, there shall appear conspicuously on the label the words "diabetic drink" :

Provided that until 2nd June 1966, it shall be a sufficient compliance with the requirements of this regulation if any soft drink, which has been prepared for consumption by persons suffering from diabetes, and which is sold in a container, bears a label on which there appears clearly and conspicuously in letters of not less than one-eighth of an inch in height a description indicating to an intending purchaser that the soft drink has been prepared for consumption by persons suffering from diabetes.

11. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a low calorie soft drink unless there appears on the label of that container the words "low calorie" in conjunction with the description prescribed by these regulations, where applicable, and otherwise the descriptive name of that soft drink.

12. On and after 2nd June 1966, no person shall sell in or from any vending machine any soft drink, whether in a container or not, unless there appears in a prominent position on the front of that vending machine, in clear lettering and in a conspicuous position a declaration giving the description specified in these regulations for the soft drink which is offered or exposed for sale, where applicable, and otherwise the descriptive name of that soft drink, and where such soft drink contains permitted artificial sweetener the declaration shall also include one of the expressions specified in regulation 13 hereof.

13. Subject to the provisions of these regulations, no person shall sell, consign or deliver in any container any soft drink to which any permitted artificial sweetener has been added unless that container bears a label on which there appears a declaration "x added" or "contains x" or, where appropriate, any one of the following expressions :—

- (a) "x and sugar added" ;
- (b) "sugar and x added" ;
- (c) "contains x and sugar" ;
- (d) "contains sugar and x" ;
- (e) "sweetened with sugar and x" ;
- (f) "sweetened with x and sugar" ;

and the declaration shall be completed by inserting at "x" the words "permitted artificial sweetener" or the name of the permitted artificial sweetener which has been added to such soft drink.

14. All letters and words required by virtue of regulations 7, 8(2), 9, 10, 11 and 13 hereof to appear on a label on a container shall conform to the requirements set out in Schedule 4 to these regulations.

15. Nothing in regulations 7 and 8 hereof shall prohibit the use on a label on a container of any registered trade mark registered and used before 22nd April 1963.

Penalties and enforcement

16.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each food and drugs authority shall enforce and execute such provisions in their area.

(3) The requirements of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to labelling or marking) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Application of various sections of the Act

17.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be

pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

Revocation

18.—(1) The Soft Drinks Regulations 1963(a) are hereby revoked.

(2) The Food Standards (Soft Drinks) Order 1953(b) and the Food Standards (Soft Drinks) (Amendment) Order 1954(c) are hereby revoked but without prejudice to any proceedings in respect of any contravention of the Food Standards (General Provisions) Order 1944, as amended, construed as one with the said Food Standards (Soft Drinks) Order 1953, as amended.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 21st May 1964.

(L.S.)

Anthony Barber,

Minister of Health.

Regulation 5

SCHEDULE 1

PERMITTED ARTIFICIAL SWEETENERS

1. Saccharin

Saccharin is 2-sulphobenzoic imide as defined in the British Pharmacopoeia 1963.

2. Saccharin Calcium

Saccharin calcium is the calcium derivative of 2-sulphobenzoic imide with $3\frac{1}{2}$ molecules water of crystallisation and contains not less than 98 per cent of $(C_7H_4NO_2S)_2 Ca$, calculated with reference to the substance dried to constant weight at $105^\circ C$.

<i>Description</i>	White crystals or white crystalline powder, faint aromatic odour, intensely sweet.
<i>Solubility</i>	1 g. dissolves in 1.5 g. of water.
<i>Loss on Drying</i>	When dried to constant weight at $105^\circ C$., loses not less than 11 per cent of its weight and not more than 15 per cent of its weight.
<i>Ammonium compounds</i> ...	No ammonia is evolved when 0.5 g. of sample are mixed with 1 g. magnesium oxide and 10 ml. of water and warmed.
<i>4-Sulphamoylbenzoates</i> ...	Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1963.

(a) S.I. 1963/844 (1963 I, p. 1231).

(b) S.I. 1953/1828 (1953 I, p. 696).

(c) S.I. 1954/1089 (1954 I, p. 808).

3. Saccharin Sodium

Saccharin sodium is the dihydrate of the sodium derivative of saccharin, as defined in the British Pharmacopoeia 1963.

4. Cyclohexylsulphamic Acid

Cyclohexylsulphamic acid contains not less than 98 per cent and not more than 102 per cent of $C_6H_{13}NO_3S$ with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with an acid sweet taste.
<i>Solubility</i>	Soluble in water; the pH of a 10 per cent solution in water is between 0.8 and 1.6.
<i>Melting Range</i>	178°–181°C.
<i>Loss on Drying</i>	When dried to constant weight at 105°C., loses not more than one per cent of its weight.
<i>Ash</i>	Not more than 1.0 per cent.
<i>Sulphate</i>	Not more than 0.5 per cent.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

5. Calcium cyclamate

Calcium cyclamate is the dihydrate of the calcium salt of cyclamic acid and contains not less than 98 per cent and not more than 100.5 per cent of $C_{12}H_{24}O_6N_2S_2Ca$ calculated with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with a sweet taste.
<i>Solubility</i>	Dissolves readily in water, the pH of a 13 per cent solution in water lies between 5.5 and 7.5.
<i>Loss on Drying</i>	When dried to constant weight at 105°C., loses not more than 9.0 per cent of its weight.
<i>Sulphates</i>	0.5 g. shows no turbidity when submitted to the limit test for sulphates in the British Pharmacopoeia 1963.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

6. Sodium cyclamate

Sodium cyclamate is the sodium salt of cyclamic acid and contains not less than 98 per cent and not more than 100.5 per cent of $C_6H_{12}O_3NSNa$ calculated with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with a sweet taste.
<i>Solubility</i>	Dissolves readily in water, the pH of a 13 per cent solution in water lies between 5.5 and 7.5.
<i>Loss on Drying</i>	When dried to constant weight at 105°C., loses not more than 1.0 per cent of its weight.
<i>Sulphates</i>	0.5 g. shows no turbidity when submitted to the limit test for sulphates in the British Pharmacopoeia 1963.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

Regulation 5

SCHEDULE 2

PART I

REQUIREMENTS AS TO COMPOSITION FOR SOFT DRINKS, OTHER THAN SEMI-SWEET SOFT DRINKS, FOR CONSUMPTION WITHOUT DILUTION

The requirements as to composition for soft drinks, other than any soft drink sold as a semi-sweet soft drink, for consumption without dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Description of Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per 10 gallons	Maximum quantity of sweetener per 10 gallons		Other requirements as to composition
Citrus juice and barley water	3% citrus fruit juice by volume	4½ lb.	Saccharin	Cyclamic acid	
Lime crushes, Lime juice and soda	3% lime juice by volume	4½ lb.	56 grains	933 grains	
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Part of this Schedule	5% citrus fruit juice by volume	4½ lb.	56 grains	933 grains	
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule	5% fruit juice by volume	4½ lb.	56 grains	933 grains	
Comminuted citrus fruits and barley drinks	1½ lb. potable citrus fruit content per 10 gallons	4½ lb.	56 grains	933 grains	

Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule	2 lb. potable citrus fruit content per 10 gallons	4½ lb.	56 grains	933 grains	
Any description of soft drink containing fermented apple juice or fermented pear juice	5% fermented apple juice or fermented pear juice by volume	4½ lb.	56 grains	933 grains	
Any other description of soft drink containing fruit juice not otherwise specified in this Part of this Schedule	5% fruit juice by volume ...	4½ lb.	56 grains	933 grains	
Indian or quinine tonic water ...	—	4½ lb.	56 grains	933 grains	To contain not less than ½ grain of quinine (calculated as quinine sulphate B.P.) per pint
Soda Water	—	—	—	—	To contain not less than 5 grains of sodium bicarbonate per pint
Dry ginger ale	—	3 lb.	56 grains	933 grains	
Brewed ginger beer and herbal and botanical beverages	—	2 lb.	80 grains	1,333 grains	
Any description of soft drink (except those mentioned in Part II of this Schedule) not otherwise specified in this Part of this Schedule	—	4½ lb.	56 grains	933 grains	

PART II

REQUIREMENTS AS TO COMPOSITION FOR SOFT DRINKS, OTHER THAN SEMI-SWEET SOFT DRINKS, FOR CONSUMPTION AFTER DILUTION

The requirements as to composition for soft drinks, other than any soft drink sold as a semi-sweet soft drink for consumption after dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5
Description of Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons	
Citrus juice and barley water	15% citrus fruit juice by volume ...	22½ lb.	Saccharin	Cyclamic acid
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Part of this Schedule	25% citrus fruit juice by volume ...	22½ lb.	280 grains	4,666 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule	25% fruit juice by volume ...	22½ lb.	280 grains	4,666 grains
Comminuted citrus fruit and barley drinks ...	7 lb. potable citrus fruit content per 10 gallons	22½ lb.	280 grains	4,666 grains
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule	10 lb. potable citrus fruit content per 10 gallons	22½ lb.	280 grains	4,666 grains

Non-citrus fruit squashes	10% non-citrus fruit juice by volume	22½ lb.	280 grains	4,666 grains
Any description of soft drink (except those mentioned in Part I of the Schedule) not otherwise specified in this Part of this Schedule	—	22½ lb.	280 grains	4,666 grains

PART III

CALCULATION OF MAXIMUM QUANTITY OF PERMITTED ARTIFICIAL SWEETENER

Where any soft drink of a description specified in column 1 of the Tables in Parts I and II of this Schedule contains a mixture of saccharin and cyclamic acid, the total saccharin content, expressed as a percentage of the maximum quantity of saccharin mentioned in column 4 of the Tables, and the total cyclamic acid content, expressed as a percentage of the maximum quantity of cyclamic acid mentioned in column 5 of the said Tables, shall not, when added together, exceed one hundred.

Regulation 5

SCHEDULE 3

PART I

REQUIREMENTS AS TO COMPOSITION FOR SEMI-SWEET SOFT DRINKS FOR CONSUMPTION WITHOUT DILUTION

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption without dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5
Description of Semi-Sweet Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per 10 gallons		Maximum quantity of permitted artificial sweetener per 10 gallons	
		Minimum	Maximum	Saccharin	Cyclamic acid
Citrus juice and barley water	3% citrus fruit juice by volume ...	2½ lb.	3 lb.	28 grains	466·5 grains
Lime crushes, Lime juice and soda	3% lime juice by volume... ..	2½ lb.	3 lb.	28 grains	466·5 grains
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Part of this Schedule	5% citrus fruit juice by volume ...	2½ lb.	3 lb.	28 grains	466·5 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule	5% fruit juice by volume ...	2½ lb.	3 lb.	28 grains	466·5 grains

Comminuted citrus fruit and barley drinks	1½ lb. potable citrus fruit content per 10 gallons	2½ lb.	3 lb.	28 grains	466.5 grains
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule	2 lb. potable citrus fruit content per 10 gallons	2½ lb.	3 lb.	28 grains	466.5 grains
Any description of soft drink containing fruit juice not otherwise specified in this Part of this Schedule	5% fruit juice by volume ...	2½ lb.	3 lb.	28 grains	466.5 grains

PART II
REQUIREMENTS AS TO COMPOSITION FOR SEMI-SWEET SOFT DRINKS FOR CONSUMPTION AFTER DILUTION
 The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption after dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5
Description of Semi-Sweet Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum	Maximum	Maximum quantity of permitted artificial sweetener per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons
Citrus juice and barley water	15% citrus fruit juice by volume	11½ lb.	15 lb.	Saccharin	Cyclamic acid
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Part of this Schedule	25% citrus fruit juice by volume	11½ lb.	15 lb.	140 grains	2,333 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juice not otherwise specified in this Part of this Schedule	25% fruit juice by volume ...	11½ lb.	15 lb.	140 grains	2,333 grains
Comminuted citrus fruit and barley drinks	7 lb. potable citrus fruit content per 10 gallons	11½ lb.	15 lb.	140 grains	2,333 grains
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule	10 lb. potable citrus fruit content per 10 gallons	11½ lb.	15 lb.	140 grains	2,333 grains

Non-citrus fruit squashes	10% non-citrus fruit juice by volume	11½ lb.	15 lb.	140 grains	2,333 grains
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PART III

CALCULATION OF MAXIMUM QUANTITY OF PERMITTED ARTIFICIAL SWEETENER

Where any soft drink of a description specified in column 1 of the Tables in Parts I and II of this Schedule contains a mixture of saccharin and cyclamic acid, the total saccharin content, expressed as a percentage of the maximum quantity of saccharin mentioned in column 4 of the Tables, and the total cyclamic acid content, expressed as a percentage of the maximum quantity of cyclamic acid mentioned in column 5 of the said Tables, shall not, when added together, exceed one hundred.

Regulation 14

SCHEDULE 4

LABELLING OF CONTAINERS AND VENDING MACHINES

1. Every letter and word appearing on a label on a container which is required so to appear by virtue of regulation 7, 8(2), 9, 10, 11 or 13 of these regulations shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be of uniform colour and size:

Provided that the initial letter in any such word may be larger than the other letters in that word.

2.—(1) Subject to the provisions of this paragraph, every letter in any such word shall be either—

(a) not less than one-eighth of an inch in height, or

(b) of such a size that the area of the smallest rectangle capable of enclosing each letter in every such word, not counting for this purpose the initial letter of a word, is not less than one-sixteenth of the area of the smallest rectangle capable of enclosing the largest letter in any word of more than one letter appearing on any label on that container,

whichever is the larger:

Provided that where no words appear on any label on the said container and no words appear on the container other than any—

(i) printed on a cork, stopper or cap closing that container, or

(ii) embossed or fired-on the container,

being words which do not conflict with the requirements of these regulations, the words required by virtue of regulations 7, 8(2), 9, 10, 11 and 13 of these regulations to appear on a label on a container may be printed on the exposed surface of the cork, stopper or cap closing that container in letters of not less than one-sixteenth of an inch in height and in dark block type upon a light coloured ground or in light block type upon a dark coloured ground.

(2) In the case of a container having a capacity of not more than 45 fluid ounces, every word appearing on a label on that container which is required so to appear by virtue of regulation 13 of these regulations shall be printed in letters of not less than one-twelfth of an inch in height.

3. Every letter and word appearing on a vending machine which is required to appear by virtue of regulation 12 shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground, shall be of uniform colour and size and shall be not less than half an inch in height.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply to England and Wales only, revoke the Soft Drinks Regulations 1963 on 2nd June 1964 (before those regulations would have come into operation) and replace with amendments, the Food Standards (Soft Drinks) Order 1953 (as amended by the Food Standards (Soft Drinks) (Amendment) Order 1954) on 2nd June 1965.

The principal changes are:—

(a) the artificial sweeteners permitted for use in soft drinks are specified (regulation 5(1) and Schedule 1);

(b) requirements as to composition as respects the fruit juice or potable fruit content, and the quantities of added sugar or permitted artificial

- sweetener have been extended to cover all soft drinks (regulation 5(1), (2) and (3), and Schedules 2 and 3) ;
- (c) the acids permitted to be used in soft drinks are specified (regulation 6) ;
 - (d) descriptions are specified for the labelling of soft drinks made from citrus fruits or the juice of citrus fruits (regulation 7) ;
 - (e) forms of declaration for labels of containers of soft drinks containing permitted artificial sweeteners, are specified (regulation 13) ;
 - (f) the use of pictorial devices and words suggestive of fruit is restricted to the labels of containers of soft drinks which comply with compositional requirements as respects fruit juice and potable fruit content, or labels which comply with specified wording requirements (regulation 8) ;
 - (g) special requirements as to composition and labelling are specified for soft drinks for consumption by persons suffering from diabetes (regulations 5(4) and 10), and for low calorie soft drinks (regulations 5 and 11), and special provision is made for the labelling of semi-sweet soft drinks (regulation 9) ;
 - (h) vending machines containing soft drinks must bear a declaration giving a specified description or descriptive name, and where appropriate, a declaration as to any permitted artificial sweetener added (regulation 12) ;
 - (i) all letters and words required by the regulations to appear on labels must conform to specified requirements as to size and colour (regulation 14 and Schedule 4) ;
 - (j) the regulations do not apply to soft drinks intended for export or for consumption by Her Majesty's forces or a visiting force, or in relation to sales to manufacturers for the purposes of their manufacturing businesses, or to any soft drink sold in an unclosed drinking vessel (regulation 4(1)).

1964 No. 761

SHOPS AND OFFICES

**The Offices, Shops and Railway Premises Act 1963
 (Modification of Section 29) Regulations 1964**

<i>Made</i>	26th May 1964
<i>Laid before Parliament</i>	2nd June 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Labour—

- (a) by virtue of the powers conferred on him by section 29(9) of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in these Regulations referred to as “the Act”) and of all other powers enabling him in that behalf; and
- (b) after publishing, pursuant to Schedule 1 to the Act, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations :—

1.—(1) These Regulations may be cited as the Offices, Shops and Railway Premises Act 1963 (Modification of Section 29) Regulations 1964 and shall come into operation on 1st August 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions of section 29(1) of the Act shall, in the case of any set of premises to which the Act applies comprised in a building in which is also comprised any factory within the meaning of the Factories Act 1961(c) (hereafter in these Regulations referred to as a “factory”) or any part of a factory, be modified to the extent and in the manner specified in Regulations 3 and 4.

3. The employment of a person to work in any set of premises to which the Act applies of the kind specified in Regulation 2 shall not be lawful unless there is a fire certificate in force with respect to the premises if—

- (a) an aggregate of more than 20 persons at any one time is, in the building in which the said set of premises is situate, employed to work in premises to which the Act applies and in any factory or any part of a factory (as the case may be); or
- (b) an aggregate of more than 10 persons at any one time is, in the building in which the said set of premises is situate, employed to work elsewhere than on the ground floor in premises to which the Act applies and in any factory or any part of a factory (as the case may be).

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

(c) 9 & 10 Eliz. 2. c. 34.

4. Nothing in that part of section 29(1) of the Act which provides for the case where a building contains two sets or more of premises to which the Act applies shall apply in the case of any premises to which the Act applies of the kind specified in Regulation 2.

Signed by order of the Minister of Labour, 26th May 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations modify section 29(1) of the Offices, Shops and Railway Premises Act 1963 so as to render unlawful the employment of persons to work in certain office, shop and railway premises comprised in a building in which is also comprised any factory within the meaning of the Factories Act 1961 (or any part of any such factory) unless there is in force with respect to the premises a certificate of the appropriate authority that the premises are provided with means of escape in case of fire.

The office, shop and railway premises to which these Regulations apply are those comprised in a building in which the aggregate of the persons employed at any one time in the building (or in parts of the building elsewhere than on the ground floor) in office, shop and railway premises and in any factory premises exceeds the numbers specified in the Regulations.

1964 No. 762

FACTORIES
**The Factories Act 1961 (Extension of Section 40) Regulations
1964**

<i>Made -</i>	<i>26th May 1964</i>
<i>Laid before Parliament</i>	<i>2nd June 1964</i>
<i>Coming into Operation</i>	<i>1st August 1964</i>

The Minister of Labour by virtue of the powers conferred on him by section 45 of the Factories Act 1961(a) (hereafter in these Regulations referred to as "the Act of 1961") and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Factories Act 1961 (Extension of Section 40) Regulations 1964 and shall come into operation on 1st August 1964.

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "premises to which the Act of 1963 applies" means office, shop and railway premises to which the Offices, Shops and Railway Premises Act 1963(c) applies.

3. Section 40 of the Act of 1961 shall (in addition to the factories to which it applies) also apply to any factory in relation to which the following circumstances exist for the time being, namely—

(a) the factory or any part of the factory is comprised in a building in which is also comprised any one or more of the following, that is to say, any other factory, any part of any other factory and any premises to which the Act of 1963 applies ; and either

(b) an aggregate of more than 20 persons at any one time is, in the building in which the factory or part of the factory (as the case may be) is situate, employed in any factory, any part of a factory and in any premises to which the Act of 1963 applies ; or

(c) an aggregate of more than 10 persons at any one time is, in the building in which the factory or part of the factory (as the case may be) is situate, employed—

(i) where the factory was being constructed or converted for use as a factory on 30th July 1937 or was constructed or so converted after that date, on any floor above the ground floor of the building ; or

(ii) where the construction of the factory was completed before the said date, above the first floor of the building or more than 20 feet above the ground level,

in any factory, any part of a factory and in any premises to which the Act of 1963 applies.

Signed by order of the Minister of Labour, 26th May 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Subject to the provisions of that section, section 40 of the Factories Act 1961 provides that no premises shall be used as a factory to which that section applies unless there is in force with respect to the premises a certificate of the fire authority that the premises are provided with means of escape in case of fire. Section 45 of the Act of 1961 specifies the factories to which the said section 40 applies and empowers the Minister of Labour to provide by Regulations that the said section 40 shall also apply to any class or description of factory specified in the Regulations.

These Regulations, made by virtue of that power, apply section 40 of the Act of 1961 to any factory comprised in, or part of which is comprised in, a building in which is also comprised any other factory (or part of a factory) or any office, shop and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies and in which the aggregate of the number of persons employed at any one time in the building (or in certain upper parts of the building) in the factory and other premises as aforesaid exceeds the numbers specified in the Regulations.

1964 No. 763

SUGAR

**The Sugar (Suspension of Surcharge and Surcharge Repayments)
(Revocation) Order 1964**

<i>Made</i> - - - -	27th May 1964
<i>Laid before Parliament</i>	28th May 1964
<i>Coming into Operation</i>	29th May 1964

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred upon him by sections 13(1) and (3) and 33(4) of the Sugar Act 1956(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b), and of all other powers enabling him in that behalf, on the advice of the Sugar Board and with the concurrence of the Treasury, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Suspension of Surcharge and Surcharge Repayments) (Revocation) Order 1964; and shall come into operation on 29th May 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

2. The Sugar (Suspension of Surcharge) Order 1963(d) and the Sugar (Suspension of Surcharge Repayments) Order 1963(e) are hereby revoked.

3. Section 10 of the Finance Act 1901(f) (which relates to new or altered customs and excise duties in their effect on contracts) shall have effect in relation to the revocation of the suspension of the operation of surcharge (which is revived as a consequence) as it has effect in relation to the imposition of a new customs or excise duty.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We concur.
27th May 1964.

R. Maudling,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) 4 & 5 Eliz. 2. c. 48. (b) 10 & 11 Eliz. 2. c. 44. (c) 52 & 53 Vict. c. 63.

(d) S.I. 1963/751 (1963 I, p. 906). (e) S.I. 1963/752 (1963 I, p. 908). (f) 1 Edw. 7. c. 7.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order revokes on 29th May 1964, the Sugar (Suspension of Surcharge) Order 1963 and the Sugar (Suspension of Surcharge Repayments) Order 1963, thereby revoking the suspension of the operation of the surcharge and surcharge repayments which again become payable, from the date of revocation, in accordance with sections 7 and 8 of the Sugar Act 1956.

1964 No. 764

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
Order 1964**

<i>Made - - - -</i>	<i>27th May 1964</i>
<i>Laid before Parliament</i>	<i>28th May 1964</i>
<i>Coming into Operation</i>	<i>29th May 1964</i>

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order^(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956^(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) Order 1964 ; and shall come into operation on 29th May 1964.

(2) The Interpretation Act 1889^(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 29th May 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1963^(e) and the Composite Sugar Products (Surcharge—Average Rates) Order 1963^(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 29th May 1964.

(a) S.I. 1963/234 (1963 I, p. 218).

(b) 4 & 5 Eliz. 2. c. 48.

(c) 10 & 11 Eliz. 2. c. 44.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1963/233 (1963 I, p. 215).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter	6
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	2 1
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter	3 0
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter ..	2 2
	containing not more than 50 per cent. by weight of sweetening matter	1 0
17.02 (F) ..	Caramel :— Solid	4 8
	Liquid	3 3
17.04	Sugar confectionery, not containing cocoa	3 10
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	2 8
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits	per cent. 1
	Other	½

(a) S.I. 1961/403 (1961 I, p. 585).

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 1½
20.03	Fruit preserved by freezing, containing added sugar	½
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 3 1
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	2 11
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 2 ½
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	½ 2½
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	2½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 3 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 29th May 1964. These correspond to the surcharge rates prescribed by the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1963 (S.I. 1963/233) which has been revived by the Sugar (Suspension of Surcharge and Surcharge Repayments) (Revocation) Order 1964 (S.I. 1964/763). The classification of products in the Schedule incorporates certain minor changes made since the date of the Composite Sugar Products (Surcharge—Average Rates) Order 1963 (S.I. 1963/234).

Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

1964 No. 767 (S. 46)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Soft Drinks (Scotland) Regulations 1964

<i>Made</i>	26th May 1964
<i>Laid before Parliament</i>	2nd June 1964
<i>Coming into Operation</i>	
<i>Regulation 19(1)</i>	3rd June 1964
<i>Remainder</i>	2nd June 1965

In exercise of the powers conferred on me by sections 4, 7, 56 and 60(3) of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (insofar as the regulations relate to the labelling, marking or description of food), I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Soft Drinks (Scotland) Regulations 1964 and shall come into operation as follows:—

- (a) regulation 19(1) shall come into operation on 3rd June 1964;
- (b) in all other respects, these regulations shall come into operation on 2nd June 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water;

“comminuted citrus drink” means a soft drink produced by a process involving the comminution of the entire citrus fruit;

“container” means any vessel, can, box or carton capable of containing a soft drink which is, has been or is capable of being, closed and includes any kind of bottle, but does not include any counter dispenser or vending machine or any unclosed cup, mug, glass or other unclosed drinking vessel;

“crush” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption without dilution and includes any cordial intended for consumption without dilution;

“cyclamic acid” means cyclohexylsulphamic acid, being the substance defined as such in Schedule 1 to these regulations and includes calcium cyclamate and sodium cyclamate as so defined ;

“fruit juice” means the clean, sound, undiluted juice of the fruit or fruits from which it is obtained ;

“intoxicating liquor” means any exciseable liquor as defined in the Licensing (Scotland) Act 1959(a) ;

“permitted artificial sweetener” means saccharin or cyclamic acid ;

“potable fruit content” means the total of the fruit constituents of a soft drink derived from the juice, pith and peel ;

“printing” includes the processes of embossing and firing on, and “printed” shall be construed accordingly ;

“registered trade mark” and “trade mark” have the meaning respectively assigned to each by section 68(1) of the Trade Marks Act 1938(b) ;

“retail sale” means any sale to a person buying otherwise than for the purpose of resale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business ;

“saccharin” means the substance defined as such in Schedule 1 to these regulations and includes saccharin calcium and saccharin sodium as so defined ;

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly ;

“soft drink” means any liquid intended for sale as drink for human consumption, either without or after dilution, and includes—

(a) any fruit drink, and any fruit juice squash, crush or cordial ;

(b) soda-water, Indian or quinine tonic water, and any sweetened artificially carbonated water whether flavoured or unflavoured ;

(c) ginger beer and any herbal or botanical beverage ;

but does not include—

(i) water (except as aforesaid) ;

(ii) water from natural springs, either in its natural state or with added mineral substances ;

(iii) fruit juice, sweetened or unsweetened, whether concentrated or frozen or not ;

(iv) milk or any preparation of milk ;

(v) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate ;

(vi) any egg product ;

(vii) any cereal product, except—

(aa) flavoured barley water and liquid products used in the preparation of barley water, and

(ab) cereal products containing alcohol, which are not intoxicating liquor

(viii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product ;

- (ix) tomato juice, vegetable juice, or any preparation of any such juice or juices ;
- (x) intoxicating liquor ;
- (xi) any other unsweetened drink except soda water ;

and for the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as a medicine ;

“squash” means a soft drink containing fruit juice, not being a comminuted citrus drink, intended for consumption after dilution and includes any cordial intended for consumption after dilution ;

“sugar” means any soluble carbohydrate sweetening matter ;

“sweetened” means containing any added sugar or added polyhydric alcohol or any permitted artificial sweetener ; and “unsweetened” shall be construed accordingly.

and other expressions have the same meaning as in the Act.

(2) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(3) For the purposes of these regulations, the supply of any drink, otherwise than by sale, at, in or from any place where drink is supplied in the course of a business shall be deemed to be a sale of that drink, and any reference to a purchaser shall be construed accordingly.

(4) For the purposes of the Labelling of Food Order 1953(a), as amended(b), these regulations in so far as they prescribe requirements as to composition for a soft drink, shall be taken to prescribe a standard for a soft drink.

(5) Any reference in these regulations to any order or other regulations shall be construed as a reference to such order or regulations as amended by any subsequent order or regulations, and if any order or regulations referred to in these regulations is or are replaced by any subsequent order or regulations, the reference shall be construed as a reference to such subsequent order or regulations, as the case may be.

(6) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. The Food Standards (General Provisions) Order 1944(d), as amended (e) and the Artificial Sweeteners in Food Order 1953(f) shall not apply as respects any soft drink for which requirements respectively as to composition or as to the use of permitted artificial sweeteners are specified in these regulations.

Enforcement

4.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so

(a) S.I. 1953/536 (1953 I, p. 665).

(c) 52 & 53 Vict. c. 63.

(d) S.R. & O. 1944/42 (1944 II, p. 505).

(f) S.I. 1953/1311 (1953 I, p. 662).

(b) The relevant amending instrument is S.I. 1959/571 (1959 I, p. 1328).

(e) S.R. & O. 1944/654 (1944 II, p. 508).

far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(a), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(b) and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Exemptions

5.—(1) The following provisions of these regulations shall not apply—

- (a) in relation to any soft drink intended at the time of sale for exportation to any place outside the United Kingdom or for use as ship's stores;
- (b) in relation to any soft drink supplied under Government Contracts for consumption by Her Majesty's forces or intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(c);
- (c) in relation to any sale, consignment or delivery of a soft drink to a manufacturer for the purposes of his manufacturing business;
- (d) in relation to any sale of a soft drink otherwise than in a container;

(2) The provisions of regulations 8 to 12 inclusive, 14 and 15 of these regulations shall not apply in relation to any sale, other than a retail sale, of any soft drink in a container containing more than one gallon.

Requirements as to composition for soft drinks

6.—(1) No soft drink shall contain any added artificial sweetener other than a permitted artificial sweetener and no person shall sell consign or deliver any soft drink which does not comply with this provision.

(2) Subject to the following provisions of this regulation, any soft drink intended for consumption without dilution which is of a description included in Part I of Schedule 2 or Part I of Schedule 3 to these regulations shall conform to the requirements as to composition set out in relation thereto in the relevant Part I as respects the fruit juice or potable fruit content, as the case may be, the quantities of added sugar and permitted artificial sweetener therein, and the other requirements there specified:

Provided that—

- (a) any soft drink (other than soda-water) intended for consumption without dilution which is of a description included in Part I of Schedule 2 to these regulations may contain up to the maximum quantity of permitted artificial sweetener specified in columns 4 and 5 of Part II of the said Schedule (calculated as therein required) if that soft drink also contains not less than 22½ pounds of sugar per 10 gallons;
- (b) if any soft drink to which this paragraph applies is subjected to brewing in the course of its manufacture, allowance shall be made, in assessing the minimum quantity of added sugar therein, for any change in sugar content due to fermentation during such brewing.

(3) Subject to the following provisions of this regulation, any soft drink intended for consumption after dilution which is of a description included in Part II of Schedule 2 or Part II of Schedule 3 to these regulations shall

(a) 60 & 61 Vict. c. 38.

(b) 10 & 11 Geo. 6. c. 43.

(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

conform to the requirements as to composition set out in relation thereto in the relative Part II as respects the fruit juice or potable fruit content, as the case may be, and the quantities of added sugar and permitted artificial sweetener therein.

(4) No soft drink intended for consumption without or after dilution, by persons suffering from diabetes shall contain any added sugar and no provision of these regulations specifying a maximum quantity of permitted artificial sweetener shall apply in relation to any such soft drink.

(5) Any soft drink intended for consumption, without or after dilution, as a low calorie soft drink, shall in addition to conforming to the relevant requirements as respects the fruit juice or potable fruit content, as the case may be, comply with a maximum calorie content as follows:—

- (a) if intended for consumption after dilution it shall contain not more than 7.5 calories per fluid ounce;
- (b) if intended for consumption without dilution it shall contain not more than 1.5 calories per fluid ounce;

Provided that provisions of these regulations specifying a minimum quantity of added sugar or a maximum quantity of permitted artificial sweetener shall not apply in relation to any such soft drink.

(6) No person shall sell any drink under such a description as to lead an intending purchaser to believe that he is purchasing a soft drink to which paragraph (2), (3), (4) or (5) of this regulation applies unless the drink complies with the appropriate requirements as to composition set out in those paragraphs in relation to that soft drink.

(7) Where a person sells any drink to a purchaser in response to a request for a soft drink to which paragraph (2), (3), (4) or (5) of this regulation applies, he shall be deemed to sell that soft drink and under such a description as is specified in the last foregoing paragraph unless he clearly notifies the purchaser at the time of sale that the drink is not that soft drink.

Addition of acids to soft drinks

7.—(1) Subject to the provisions of these regulations and save as hereinafter provided, no soft drink shall contain any added acid:

Provided that—

- (a) any soft drink may contain ascorbic acid, citric acid, lactic acid, malic acid, nicotinic acid, tartaric acid and any acid inasmuch as the use of that acid in that soft drink is permitted by the Preservatives in Food (Scotland) Regulations 1962(a) or the Colouring Matter in Food (Scotland) Regulations 1957(b);
- (b) any soft drink other than a fruit squash, a fruit crush or a comminuted citrus drink may contain acetic acid and phosphoric acid.

(2) No person shall sell, consign or deliver any soft drink which does not comply with this regulation.

Labelling of soft drinks

8.—(1) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus squash (whether or not it contains a bitter principle) in a container unless that container bears a label on which

(a) S.I. 1962/1926 (1962 II, p. 2371).

(b) S.I. 1957/1123 (1957 I, p. 1003).

there appears as the description of that citrus squash the word "squash" immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

- (a) in the case of any clear citrus squash, other than a clear squash made from lime juice, the word "cordial" may be substituted for the word "squash" on the label;
- (b) in the case of a clear squash made from lime juice the words "lime juice cordial" shall appear on the label as a description of that drink;
- (c) in the case of any squash prepared from citrus juice and barley water and from no other fruit juice, the words "barley water" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any citrus crush (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that citrus crush the word "crush" immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that—

- (a) in the case of any clear citrus crush, the word "cordial" may be substituted for the word "crush" on the label;
- (b) in the case of any crush prepared from citrus juice and barley water and from no other fruit juice, the words "barley crush" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

(3) Subject to the provisions of these regulations, no person shall sell, consign or deliver any comminuted citrus drink (whether or not it contains a bitter principle) in a container unless that container bears a label on which there appears as the description of that comminuted citrus drink the word "drink" immediately preceded by the name of the appropriate citrus fruit or fruits:

Provided that in the case of any comminuted citrus drink prepared from comminuted citrus fruit and barley water and from no other fruit, the words "barley drink" immediately preceded by the name of the appropriate citrus fruit or fruits shall appear on the label as a description of that drink.

9.—(1) No person shall sell, consign or deliver any soft drink, which does not comply with the compositional requirements of these regulations as respects fruit juice or potable fruit content, in a container bearing a label on which there appears—

- (a) any pictorial device suggestive of any fruit or fruits;
- (b) any word suggestive of any fruit or fruits not represented in the flavouring of that drink.

(2) Subject to the provisions of these regulations, no person shall sell, consign or deliver any soft drink which does not comply with compositional requirements as respects fruit juice or potable fruit content, in a container bearing a label on which any word suggestive of any fruit is used in relation to that drink unless that label also bears, equally conspicuously and legibly, either—

- (a) a word comprising the name of the fruit so suggested followed by the suffix "ade"; or

- (b) where appropriate, a phrase consisting of the names of the fruits so suggested with the suffix "ade" added to the end of the last of such names ; or
- (c) the word "flavour" immediately preceded by the name or names of the fruit or fruits so suggested.

10. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a semi-sweet soft drink unless there appears on the label of that container the words "semi-sweet" immediately preceding the description of that soft drink.

11. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a drink for consumption by persons suffering from diabetes unless there appears on the label of that container the word "diabetic" immediately preceding the description specified in these regulations for that soft drink, or where no description is so specified, there shall appear conspicuously on the label the words "diabetic drink":

Provided that until 2nd June 1966, it shall be a sufficient compliance with the requirements of this regulation if any soft drink, which has been prepared for consumption by persons suffering from diabetes, and which is sold in a container, bears a label on which there appears clearly and conspicuously in letters of not less than one-eighth of an inch in height a description indicating to an intending purchaser that the soft drink has been prepared for consumption by persons suffering from diabetes.

12. Subject to the provisions of these regulations, no person shall sell, consign or deliver in a container any soft drink as a low calorie soft drink unless there appears on the label of that container the words "low calorie" in conjunction with the description prescribed by these regulations, where applicable, and otherwise the descriptive name of that soft drink.

13. On and after 2nd June 1966 no person shall sell in or from any vending machine any soft drink, whether in a container or not, unless there appears in a prominent position on the front of that vending machine, in clear lettering and in a conspicuous position a declaration giving the description specified in these regulations for the soft drink which is offered or exposed for sale, where applicable, and otherwise the descriptive name of that soft drink, and where such soft drink contains permitted artificial sweetener the declaration shall also include one of the expressions specified in regulation 14 hereof.

14. Subject to the provisions of these regulations, no person shall sell, consign or deliver in any container any soft drink to which any permitted artificial sweetener has been added unless that container bears a label on which there appears a declaration "x added" or "contains x" or, where appropriate, any one of the following expressions:—

- (a) "x and sugar added";
- (b) "sugar and x added";
- (c) "contains x and sugar";
- (d) "contains sugar and x";
- (e) "sweetened with sugar and x";
- (f) "sweetened with x and sugar";

and the declaration shall be completed by inserting at "x" the words "permitted artificial sweetener" or the name of the permitted artificial sweetener which has been added to such soft drink.

15. All letters and words required by virtue of regulations 8, 9(2), 10, 11, 12 and 14 hereof to appear on a label on a container shall conform to the requirements set out in Schedule 4 to these regulations.

16. Nothing in regulations 8 and 9 hereof shall prohibit the use on a label on a container of any registered trade mark registered and in use before 22nd April 1963.

Penalties

17.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable :—

(a) on summary conviction to :—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment ; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued ; or

(b) on conviction on indictment to :—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment ; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Applications of various sections of the Act

18.—(1) Sections 41(2) and (5) (which relate to proceedings), 42(1), (2) and (3) (which relate to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act, shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations ; and

(b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

19.—(1) The Soft Drinks (Scotland) Regulations 1963(a) are hereby revoked.

(2) The Food Standards (Soft Drinks) Order 1953(a), and the Food Standards (Soft Drinks) (Amendment) Order 1954(b), are hereby revoked but without prejudice to any proceedings in respect of any contravention of the Food Standards (General Provisions) Order 1944, as amended, construed as one with the Food Standards (Soft Drinks) Order 1953, as amended.

(3) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if any orders revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

26th May 1964.

Regulation 6

SCHEDULE 1

PERMITTED ARTIFICIAL SWEETENERS

1. *Saccharin*

Saccharin is 2-sulphobenzoic imide as defined in the British Pharmacopoeia 1963.

2. *Saccharin Calcium*

Saccharin calcium is the calcium derivative of 2-sulphobenzoic imide with $3\frac{1}{2}$ molecules water of crystallisation and contains not less than 98 per cent. of (C₇H₅NO₂S), Ca, calculated with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystals or white crystalline powder, faint aromatic odour, intensely sweet.
<i>Solubility</i>	1 g. dissolves in 1.5 g. of water.
<i>Loss on drying</i>	When dried to constant weight at 105°C, loses not less than 11 per cent. of its weight and not more than 15 per cent. of its weight.
<i>Ammonium compounds</i>	No ammonia is evolved when 0.5 g. of sample are mixed with 1 g. magnesium oxide and 10 ml. of water and warmed.
<i>4-Sulphamoylbenzoates</i>	Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1963.

3. *Saccharin Sodium*

Saccharin sodium is the dihydrate of the sodium derivative of saccharin, as defined in the British Pharmacopoeia 1963.

(a) S.I. 1953/1828 (1953 I, p. 696).

(b) S.I. 1954/1089 (1954 I, p. 808).

4. Cyclohexylsulphamic Acid

Cyclohexylsulphamic acid contains not less than 98 per cent. and not more than 102 per cent. of $C_6H_{13}NO_3S$ with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with an acid sweet taste.
<i>Solubility</i>	Soluble in water; the pH of a 10 per cent. solution in water is between 0.8 and 1.6.
<i>Melting Range</i>	178°-181°C.
<i>Loss on Drying</i>	When dried to constant weight at 105°C, loses not more than one per cent. of its weight.
<i>Ash</i>	Not more than 1.0 per cent.
<i>Sulphate</i>	Not more than 0.5 per cent.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

5. Calcium cyclamate

Calcium cyclamate is the dihydrate of the calcium salt of cyclamic acid and contains not less than 98 per cent. and not more than 100.5 per cent. of $C_{12}H_{16}O_8N_2S_2Ca$ calculated with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with a sweet taste.
<i>Solubility</i>	Dissolves readily in water, the pH of a 13 per cent. solution in water lies between 5.5 and 7.5.
<i>Loss on Drying</i>	When dried to constant weight at 105°C, loses not more than 9.0 per cent. of its weight.
<i>Sulphates</i>	0.5 g. shows no turbidity when submitted to the limit test for sulphates in the British Pharmacopoeia 1963.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

6. Sodium cyclamate

Sodium cyclamate is the sodium salt of cyclamic acid and contains not less than 98 per cent. and not more than 100.5 per cent. of $C_6H_{12}O_4N_2Na$ calculated with reference to the substance dried to constant weight at 105°C.

<i>Description</i>	White crystalline powder, practically odourless, with a sweet taste.
<i>Solubility</i>	Dissolves readily in water, the pH of a 13 per cent. solution in water lies between 5.5 and 7.5.
<i>Loss on Drying</i>	When dried to constant weight at 105°C, loses not more than 1.0 per cent. of its weight.
<i>Sulphates</i>	0.5 g. shows no turbidity when submitted to the limit test for sulphates in the British Pharmacopoeia 1963.
<i>Cyclohexylamine</i>	No distinct odour of ammonia when 5 g. sample is made into a paste with 5 g. sodium carbonate B.P. and hot water.

Regulation 6

SCHEDULE 2

PART I

REQUIREMENTS AS TO COMPOSITION FOR SOFT DRINKS OTHER THAN SEMI-SWEET SOFT DRINKS FOR CONSUMPTION WITHOUT DILUTION

The requirements as to composition for soft drinks other than any soft drink sold as a semi-sweet soft drink, for consumption without dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Description of Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons		Other requirements as to composition
			Saccharin	Cyclamic Acid	
Citrus juice and barley water	3 per cent. citrus fruit juice by volume.	4½ lb.	56 grains	933 grains	—
Lime crushes, lime juice and soda	3 per cent. lime juice by volume.	4½ lb.	56 grains	933 grains	—
Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Part of this Schedule.	5 per cent. citrus fruit juice by volume.	4½ lb.	56 grains	933 grains	—
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule.	5 per cent. fruit juice by volume.	4½ lb.	56 grains	933 grains	—
Comminuted citrus fruits and barley drinks ...	1½ lb. potable citrus fruit content per 10 gallons.	4½ lb.	56 grains	933 grains	—

Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule.	2 lb. potable citrus fruit content per 10 gallons.	4½ lb.	56 grains	933 grains	—
Any description of soft drink containing fermented apple juice or fermented pear juice.	5 per cent. fermented apple juice or fermented pear juice by volume.	4½ lb.	56 grains	933 grains	—
Any other description of soft drink containing fruit juice not otherwise specified in this Part of this Schedule.	5 per cent. fruit juice by volume.	4½ lb.	56 grains	933 grains	—
Indian or quinine tonic water	—	4½ lb.	56 grains	933 grains	To contain not less than ¼ grain of quinine (calculated as quinine sulphate B.P.) per pint.
Soda water ... ..	...	—	—	—	To contain not less than 5 grains of sodium bicarbonate per pint.
Dry ginger ale... ..	—	3 lb.	56 grains	933 grains	—
Brewed ginger beer and herbal and botanical beverages.	—	2 lb.	80 grains	1,333 grains	—
Any description of soft drink (except those mentioned in Part II of this Schedule) not otherwise specified in this Part of this Schedule.	—	4½ lb.	56 grains	933 grains	—

PART II

REQUIREMENTS AS TO COMPOSITION FOR SOFT DRINKS OTHER THAN SEMI-SWEET SOFT DRINKS FOR CONSUMPTION AFTER DILUTION

The requirements as to composition for soft drinks, other than any soft drink sold as a semi-sweet soft drink, for consumption after dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3	Column 4		Column 5
Description of Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum quantity of added sugar per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons		
Citrus juice and barley water	15 per cent. citrus fruit juice by volume.	22½ lb.	Saccharin	Cyclamic Acid	4,666 grains
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Part of this Schedule.	25 per cent. citrus fruit juice by volume.	22½ lb.	280 grains	4,666 grains	4,666 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule.	25 per cent. fruit juice by volume.	22½ lb.	280 grains	4,666 grains	4,666 grains
Comminuted citrus fruit and barley drinks	7 lb. potable citrus fruit content per 10 gallons.	22½ lb.	280 grains	4,666 grains	4,666 grains

Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule.	...	...	...	...	...	22½ lb.	280 grains	4,666 grains
Non-citrus fruit squashes	...	...	...	...	...	22½ lb.	280 grains	4,666 grains
Any description of soft drink (except those mentioned in Part I of the Schedule) not otherwise specified in this Part of this Schedule.	...	...	...	...	...	22½ lb.	280 grains	4,666 grains

PART III

CALCULATION OF MAXIMUM QUANTITY OF PERMITTED ARTIFICIAL SWEETENER

Where any soft drink of a description specified in column 1 of the Tables in Parts I and II of this Schedule contains a mixture of saccharin and cyclamic acid the total saccharin content expressed as a percentage of the maximum quantity of saccharin mentioned in column 4 of the Tables, and the total cyclamic acid content, expressed as a percentage of the maximum quantity of cyclamic acid mentioned in column 5 of the said Tables, shall not, when added together, exceed one hundred.

Regulation 6

SCHEDULE 3

PART I

REQUIREMENTS AS TO COMPOSITION FOR SEMI-SWEET SOFT DRINKS FOR CONSUMPTION WITHOUT DILUTION

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption without dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5
		Quantity of added sugar per 10 gallons	Maximum		
Description of semi-sweet Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Minimum	Maximum	Maximum quantity of permitted artificial sweetener per 10 gallons	
	Citrus juice and barley water	2½ lb.	3 lb.	Saccharin 28 grains	Cyclamic Acid 466.5 grains
	Lime crushes, lime juice and soda	2½ lb.	3 lb.	28 grains	466.5 grains
	Citrus crushes (including citrus crushes containing a bitter principle) not otherwise specified in this Part of this Schedule.	2½ lb.	3 lb.	28 grains	466.5 grains
	Any description of soft drink containing a mixture of citrus and non-citrus fruit juices not otherwise specified in this Part of this Schedule.	2½ lb.	3 lb.	28 grains	466.5 grains
Comminuted citrus fruit and barley drinks	1½ lb. potable citrus fruit content per 10 gallons.	2½ lb.	3 lb.	28 grains	466.5 grains

Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non citrus juice) not otherwise specified in this Part of this Schedule.	2 lb. potable citrus fruit content per 10 gallons.	2½ lb.	3 lb.	28 grains	466.5 grains
Any description of soft drink containing fruit juice not otherwise specified in this Part of this Schedule.	5 per cent. fruit juice by volume.	2½ lb.	3 lb.	28 grains	466.5 grains

PART II

REQUIREMENTS AS TO COMPOSITION FOR SEMI-SWEET SOFT DRINKS FOR CONSUMPTION AFTER DILUTION

The requirements as to composition for soft drinks, sold as semi-sweet soft drinks, for consumption after dilution shall be those shown in the Table below subject to the provisions of Part III of this Schedule for the purpose of calculating the maximum quantity of permitted artificial sweetener mentioned in columns 4 and 5 of the said Table.

TABLE

Column 1	Column 2	Column 3		Column 4	Column 5
Description of semi-sweet Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per 10 gallons		Maximum quantity of permitted artificial sweetener per 10 gallons	Maximum quantity of permitted artificial sweetener per 10 gallons
		Minimum	Maximum			Saccharin	Cyclamic Acid
Citrus juice and barley water	15 per cent. citrus fruit juice by volume.	11½ lb.	15 lb.	140 grains	2,333 grains

Column 1	Column 2	Column 3		Column 4	Column 5
Description of semi-sweet Soft Drink	Minimum quantity of fruit juice (expressed in terms of juice of natural strength) or potable fruit content, as the case may be	Quantity of added sugar per 10 gallons	Maximum	Saccharin	Cyclamic Acid
		Minimum			
Citrus squashes (including citrus squashes containing a bitter principle) not otherwise specified in this Part of this Schedule.	25 per cent. citrus fruit juice by volume.	11½ lb.	15 lb.	140 grains	2,333 grains
Any description of soft drink containing a mixture of citrus and non-citrus fruit juice not otherwise specified in this Part of this Schedule.	25 per cent. fruit juice by volume.	11½ lb.	15 lb.	140 grains	2,333 grains
Comminuted citrus fruit and barley drinks	7 lb. potable citrus fruit content per 10 gallons.	11½ lb.	15 lb.	140 grains	2,333 grains
Comminuted citrus drinks (including comminuted citrus drinks containing a bitter principle or any citrus or non-citrus juice) not otherwise specified in this Part of this Schedule.	10 lb. potable citrus fruit content per 10 gallons.	11½ lb.	15 lb.	140 grains	2,333 grains
Non-citrus fruit squashes	10 per cent. non-citrus fruit juice by volume.	11½ lb.	15 lb.	140 grains	2,333 grains

PART III
CALCULATION OF MAXIMUM QUANTITY OF PERMITTED ARTIFICIAL SWEETENER

Where any soft drink of a description specified in column 1 of the Tables in Parts I and II of this Schedule contains a mixture of saccharin and cyclamic acid the total saccharin content expressed as a percentage of the maximum quantity of saccharin mentioned in column 4 of the Tables, and the total cyclamic acid content, expressed as a percentage of the maximum quantity of cyclamic acid mentioned in column 5 of the said Tables, shall not, when added together, exceed one hundred.

Regulation 15

SCHEDULE 4

LABELLING OF CONTAINERS AND VENDING MACHINES

1. Every letter and word appearing on a label on a container which is required so to appear by virtue of regulation 8, 9(2), 10, 11, 12 or 14 of these regulations shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be of uniform colour and size:

Provided that the initial letter in any such word may be larger than the other letters in that word.

2.—(1) Subject to the provisions of this paragraph, every letter in any such word shall be either—

- (a) not less than one-eighth of an inch in height, or
- (b) of such a size that the area of the smallest rectangle capable of enclosing each letter in every such word, not counting for this purpose the initial letter of a word, is not less than one-sixteenth of the area of the smallest rectangle capable of enclosing the largest letter in any word of more than one letter appearing on any label on that container,

whichever is the larger:

Provided that where no words appear on any label on the said container, and no words appear on the container, other than any—

- (i) printed on a cork, stopper or cap closing that container, or
- (ii) embossed or fired on the container,

being words which do not conflict with the requirements of these regulations, the words required by virtue of regulations 8, 9(2), 10, 11, 12 and 14 of these regulations to appear on a label on a container may be printed on the exposed surface of the cork, stopper or cap closing that container in letters of not less than one-sixteenth of an inch in height and in dark block type upon a light coloured ground or in light block type upon a dark coloured ground.

(2) In the case of a container having a capacity of not more than 45 fluid ounces, every word appearing on a label on that container which is required so to appear by virtue of regulation 14 of these regulations shall be printed in letters of not less than one-twelfth of an inch in height.

3. Every letter and word appearing on a vending machine which is required to appear by virtue of regulation 13 shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground, shall be of uniform colour and size and shall be not less than half an inch in height.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply to Scotland only, revoke the Soft Drinks (Scotland) Regulations 1963 on 3rd June 1964 (before those regulations will have come into operation) and replace with amendments, the Food Standards (Soft Drinks) Order 1953 (as amended by the Food Standards (Soft Drinks) (Amendment) Order 1954) on 2nd June 1965.

The principal changes are :—

- (a) the artificial sweeteners permitted for use in soft drinks are specified (regulation 6(1) and Schedule 1);
- (b) requirements as to composition as respects the fruit juice or potable fruit content, and the quantities of added sugar or permitted artificial sweetener have been extended to cover all soft drinks (regulation 6(1), (2) and (3), and Schedules 2 and 3);

- (c) the acids permitted to be used in soft drinks are specified (regulation 7) ;
- (d) descriptions are specified for the labelling of soft drinks made from citrus fruits or the juice of citrus fruits (regulation 8) ;
- (e) forms of declaration for labels of containers of soft drinks containing permitted artificial sweeteners, are specified (regulation 14) ;
- (f) the use of pictorial devices and words suggestive of fruit is restricted to the labels of containers of soft drinks which comply with compositional requirements as respects fruit juice and potable fruit content, or labels which comply with specified wording requirements (regulation 9) ;
- (g) special requirements as to composition and labelling are specified for soft drinks for consumption by persons suffering from diabetes (regulations 6(4) and 11), and for low calorie soft drinks (regulations 6(5) and 12), and special provision is made for the labelling of semi-sweet soft drinks (regulation 10) ;
- (h) vending machines containing soft drinks must bear a declaration giving a specified description or descriptive name, and where appropriate, a declaration as to any permitted artificial sweetener added (regulation 13) ;
- (i) all letters and words required by the regulations to appear on labels must conform to specified requirements as to size and colour (regulation 15 and Schedule 4) ;
- (j) the regulations do not apply to soft drinks intended for export or for consumption by Her Majesty's forces or a visiting force, or in relation to sales to manufacturers for the purposes of their manufacturing businesses, or to any soft drink sold in an unclosed drinking vessel (regulation 5(1)).

1964 No. 776

**CARIBBEAN AND NORTH ATLANTIC
TERRITORIES**
The British Guiana (Emergency Provisions) Order 1964
Made - - - - - 29th May 1964
*Coming into Operation On a day to be
appointed under s. 1(2)*

At the Court at Buckingham Palace, the 29th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (hereinafter called "the principal Order"), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the British Guiana (Emergency Provisions) Order 1964 and shall be construed as one with the principal Order and the Constitution annexed thereto (hereinafter called "the Constitution").

(2) This Order shall come into operation on such day as may be appointed by the Governor acting in his discretion(c):

Provided that if this Order has not been brought into operation before 31st December 1964 it shall expire on that date.

(3) References in this Order and in the Constitution to the Emergency Powers Order in Council 1939(d) include references to any Order in Council amending that Order.

Amendment
of article 14
of the Con-
stitution.

2. Article 14 of the Constitution shall have effect as if in paragraph (1) thereof the following subparagraph was included after subparagraph (c):—

"(d) Part II of the Emergency Powers Order in Council 1939 is in operation in British Guiana."

Amendment
of article 22
of the Con-
stitution.

3. Article 22 of the Constitution shall have effect as if in paragraph (2) thereof the following subparagraph was included after subparagraph (c):—

"(d) the powers conferred on the Governor by the Emergency Powers Order in Council 1939."

(a) 18 & 19 Geo. 5. c. 5.
(c) Day appointed 13.6.64.

(b) S.I. 1961/1188 (1961 II, p. 2152).
(d) See S.I. 1952 I, at p. 621.

4. If, at any time when Part II of the Emergency Powers Order in Council 1939 is in operation in British Guiana, the Governor, acting in his discretion, certifies by warrant under his hand that any sum of money is required to meet expenditure connected with any of the purposes for which regulations may be made under the Emergency Powers Order in Council 1939, that sum shall be a charge on the revenues of British Guiana and accordingly shall be statutory expenditure for the purposes of Part VII of the Constitution. Statutory expenditure.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes special provision with respect to the exercise of the Governor's powers and the expenditure of public funds in time of emergency.

1964 No. 777

SUGAR

**The Sugar (Rates of Surcharge and Surcharge Repayments)
Order 1964**

<i>Made</i> - - - -	29th May 1964
<i>Laid before Parliament</i>	1st June 1964
<i>Coming into Operation</i>	2nd June 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956^(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1964 ; and shall come into operation on 2nd June 1964.

(2) The Interpretation Act 1889^(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1963^(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 2nd June 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)^(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 2nd June 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1963 be those specified in Schedule 2 to this order.

(a) 4 & 5 Eliz. 2. c. 48.

(b) 10 & 11 Eliz. 2. c. 44.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1963/233 (1963 I, p. 215).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th May 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We concur.

29th May 1964.

R. Maudling,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

PART I

SURCHARGE RATES FOR SUGAR

Polarisation	Rate of Surcharge per cwt.	
	s.	d.
Exceeding—		
99°	14	0
98° but not exceeding 99°	13	2·4
97°	12	10·5
96°	12	6·5
95°	12	2·4
94°	11	10·4
93°	11	6·4
92°	11	2·4
91°	10	10·3
90°	10	6·3
89°	10	2·3
88°	9	10·2
87°	9	6·9
86°	9	3·5
85°	9	0·5
84°	8	9·5
83°	8	6·4
82°	8	3·4
81°	8	0·7
80°	7	10·0
79°	7	7·3
78°	7	4·7
77°	7	2·0
76°	6	11·3
Not exceeding 76°	6	9·0

PART II
SURCHARGE RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge per cwt.
	s. d.
70 per cent. or more	8 11
Less than 70 per cent. and more than 50 per cent.	6 5
Not more than 50 per cent.	3 1

SCHEDULE 2
SURCHARGE REPAYMENT RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
	s. d.
More than 80 per cent.	10 6
More than 70 per cent. but not more than 80 per cent.	8 11
More than 60 per cent. but not more than 70 per cent.	6 5
More than 50 per cent. but not more than 60 per cent.	5 1
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon	3 1

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes—

- (a) increases equivalent to 9s. 4d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 2nd June 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

1964 No. 778

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
(No. 2) Order 1964**

Made - - - - 29th May 1964
Laid before Parliament 1st June 1964
Coming into Operation 2nd June 1964

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order (a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 2) Order 1964 ; and shall come into operation on 2nd June 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 2nd June 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1964(e) and the Composite Sugar Products (Surcharge—Average Rates) Order 1964(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 2nd June 1964.

(a) S.I. 1964/764 (1964 II, p. 1630).

(b) 4 & 5 Eliz. 2. c. 48.

(c) 10 & 11 Eliz. 2. c. 44.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/777 (1964 II, p. 1656).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th May 1964.

(L.S.)

Christopher Soames.

Minister of Agriculture, Fisheries
and Food.

SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter	1 5
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	6 3
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter	8 11
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter	6 5
	containing not more than 50 per cent. by weight of sweetening matter	3 1
17.02 (F) ..	Caramel :— Solid	14 0
	Liquid	9 10
17.04	Sugar confectionery, not containing cocoa	11 5
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	8 1
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits	per cent. 3
	Other	1½

(a) S.I. 1961/403 (1961 I, p. 585).

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 4½
20.03	Fruit preserved by freezing, containing added sugar	1½
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 9 3
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	8 9
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 6 1½
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	8 7½
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	7½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 9 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 2nd June 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1964 (S.I. 1964/777). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

1964 No. 781

FACTORIES**The Examination of Steam Boilers Regulations 1964**

<i>Made</i> - - - -	26th May 1964
<i>Laid before Parliament</i>	4th June 1964
<i>Coming into Operation</i>	27th June 1964

The Minister of Labour—

(a) by virtue of the powers conferred on him by section 33(2) and (3) and section 180(3) of the Factories Act 1961(a) and of all other powers enabling him in that behalf ; and

(b) after publishing, pursuant to Schedule 4 to the said Act of 1961, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

Citation and commencement

1. These Regulations may be cited as the Examination of Steam Boilers Regulations 1964 and shall come into operation on 27th June 1964. Provided that as respects any steam boiler that was thoroughly examined by a competent person before the coming into operation of these Regulations they shall not apply until its first examination thereafter ; so, however, that the interval between the said two examinations shall not in the case of any boiler exceed the relevant period prescribed by Regulation 4 or, in the case of a boiler as respects which an exemption order was in force immediately before the coming into operation of these Regulations, such greater period as may be specified in the exemption order.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“ **excepted boiler** ” means a boiler belonging to or exclusively used in the service of Her Majesty or belonging to and used by the United Kingdom Atomic Energy Authority or the boiler of any ship or of any locomotive which belongs to and is used by any railway company ;

“ **exemption order** ” means an order made, or having effect as if made, under the substituted subsection (3A) of section 33 set out in paragraph 3 of Schedule 6 to the principal Act ;

“factory” means a factory as defined in section 175 of the principal Act or any place to which the provisions of Part II of that Act with respect to steam boilers are applied by any of the following provisions of that Act, that is to say, section 123(1) (which relates to electrical stations), section 124 (which relates to institutions), section 125(1) and (3) (which relates to certain dock premises and certain warehouses) and section 127 (which relates to building operations and works of engineering construction);

“the principal Act” means the Factories Act 1961 as amended by or under any other Act;

“section 33” means section 33 of the principal Act;

“steam boiler” does not include any excepted boiler but save as aforesaid means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam, and any reference to a steam boiler shall include a reference to all its fittings and attachments.

Manner of examination

3.—(1) The manner in which a steam boiler shall be examined as required by section 33(2)—

(a) before it is used in any factory; and

(b) thereafter before the expiry of each of the relevant periods prescribed by Regulation 4 or 5,

shall be the manner specified in this Regulation.

(2) In the first place, the boiler shall be thoroughly examined by a competent person when it is cold after the interior and exterior have been prepared in the manner described in the Schedule to these Regulations, and secondly, except in the case of an economiser or superheater, the boiler shall be thoroughly examined by a competent person when it is under normal steam pressure, and each part of the examination may be made by a different person. The examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure to be specified in the report of the examination pursuant to section 33(4).

(3) The examination of a boiler in the manner specified in the preceding paragraph of this Regulation may, at the discretion of the person making the examination, include all or any one or more of the following, that is to say, hammer testing, drilling, lifting, proving a clear waterway through tubes, withdrawal of sample tubes for determination of thickness, examination, testing or measurement by means of ultrasonic, radiographic, magnetic or electronic devices or of tube calibration gauges, steam trial and hydraulic testing.

Intervals between examinations

4.—(1) For the purposes of section 33(2) (which prohibits the use in any factory, for any greater period than may be prescribed, of a steam boiler since its last examination) the prescribed period shall be as follows, that is to say—

(a) in a case where a stationary steam boiler (other than a boiler used in the course of any building operation or work of engineering construction) after being used or installed in one factory is to be used in another factory, a period which expires after it has been installed, and before it is used, in the second of those factories ;

(b) in a case where a steam boiler of a kind specified in paragraph (2) of this regulation is taken into use in any factory for the first time in that factory (whether or not in the circumstances specified in the preceding sub-paragraph), a period which expires not more than 14 months after the date when it was so taken into use ; and

(c) in all other cases, subject to Regulation 5,

(i) 26 months as respects a steam boiler of a kind specified in paragraph (2) of this Regulation ; and

(ii) 14 months as respects any other steam boiler.

(2) Sub-paragraph (b) and (c)(i) of the preceding paragraph apply to a steam boiler of any of the following kinds in the case of which a period of 21 years has not expired since it was first taken into use, that is to say—

(a) a water tube boiler of which the drums and any headers are of fusion welded or solid forged construction which has an evaporative capacity of not less than 50,000 pounds of steam per hour ;

(b) a boiler in a group of water tube boilers of which the drums and any headers are of fusion welded or solid forged construction being a group in which—

(i) each boiler has an evaporative capacity of not less than 25,000 pounds of steam per hour ; and

(ii) the total evaporative capacity of all the boilers is not less than 100,000 pounds of steam per hour ; and

(c) a boiler which is a waste heat boiler or heat exchanger with fusion welded longitudinal and circumferential seams, or a super-heater of fusion welded construction, and which is an integral part of a continuous flow installation, in a chemical or oil refinery processing plant.

Boilers previously subject to exemption orders

5. In the case of any steam boiler, as respects which an exemption order was in force immediately before the coming into operation of these Regulations, being an order made on conditions by which a greater period is allowed between examinations than that specified in Regulation 4, the prescribed period for the purposes of section 33(2) shall be in accordance with the provisions of that order :

Provided that this Regulation shall not apply—

(a) in respect of any period after the expiration of 3 years from the coming into operation of these Regulations ; or

(b) as respects any steam boiler, after the expiration of the period of 21 years since it was first taken into use.

Examinations of boilers after repair

6. Where at any time there is carried out to any steam boiler the repair of a defect which, in the opinion of a competent person, will affect its safe working, that boiler shall be examined by a competent person in such a manner as will enable that person to satisfy himself that the repair has been properly carried out.

Signed by order of the Minister of Labour.

26th May 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

SCHEDULE

Regulation 3(2)

THE MANNER OF PREPARING A STEAM BOILER FOR EXAMINATION WHEN IT IS COLD

(1) In addition to the steps required to be taken under paragraph (2) of this Schedule, the preparation of the interior and exterior of a boiler for its thorough examination when cold in pursuance of Regulation 3(2) shall, according as the person making the examination may require, consist of all or any one or more of the following, that is to say—

- (a) the opening out, cleaning and scaling of the boiler ; including the removal of doors from manholes, mudholes and handholes ;
- (b) the removal of firebars ;
- (c) in the case of shell type boilers, the dismantling of firebridges (if made of brick) and all furnace protective brickwork ;
- (d) the opening out for cleaning and inspection of fittings including the pressure parts of automatic controls ; and
- (e) in the case of water-tube boilers, the removal of drum internal fittings.

(2) All brickwork, baffles and coverings must be removed for the purpose of the thorough examination to the extent required by the person making the examination, but in any case these parts must be removed to the extent necessary to expose headers, seams of shells and drums—

- (a) not less frequently than once in every six years in the case of a steam boiler situated in the open or exposed to the weather or damp ; and
- (b) not less frequently than once in every ten years in the case of every other steam boiler.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the manner in which, and the occasions on which, steam boilers in factories and other places to which the Factories Act 1961 applies, have to be examined.

 STATUTORY INSTRUMENTS

1964 No. 782

FACTORIES
The Factories Act 1961 (Appointed Day) Order 1964

Made - - - - *26th May 1964*

The Minister of Labour by virtue of the powers conferred on him by section 183(1) of, and paragraph 3(1) of Schedule 6 to, the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. The appointed day for the purposes of paragraph 3 of the said Schedule 6 (which contains transitional provisions relating to the examination of steam boilers) shall be 27th June 1964.

2. This Order may be cited as the Factories Act 1961 (Appointed Day) Order 1964.

Signed by order of the Minister of Labour.

26th May 1964.

W. S. I. Whitelaw,
 Parliamentary Secretary,
 Ministry of Labour.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order appoints 27th June 1964 as the day on which Part II of the Factories Act 1961 is to cease to be subject to the transitional provisions of that Act relating to the examination of steam boilers.

(a) 9 & 10 Eliz. 2. c. 34.

1964 No. 784

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment) Order 1964

Made - - - - 29th May 1964
 Coming into Operation 8th June 1964

The Board of Trade, in exercise of the powers conferred upon them by section 1 of the Import, Export and Customs Powers (Defence) Act 1939^(a), hereby order as follows:—

1. The Export of Goods (Control) Order 1963^(b), as amended^(c), shall have effect as if:—

(1) for Article 2^(j), there were substituted the following:—

“ *Live Cattle, Sheep and Swine*

(j) (i) any animal in respect of which there is duly produced to the proper officer of Customs and Excise at the place of export a licence granted under Article 9(1)^(a) of the Exported Animals Protection Order 1964^(d);

(ii) live cattle, sheep and swine from Northern Ireland to the Republic of Ireland; ”;

(2) to Article 9(1), there were added the following definitions:—

“ “ Sheep ” includes rams, ewes and lambs ;

“ Swine ” includes pigs of all ages and either sex ; ” ;

(3) in the First Schedule, in Group 8, for the entry relating to “ cattle, live ” there were substituted the following:—

“ Cattle, sheep and swine, liveA.”

2.—(1) The Interpretation Act 1889^(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby amended were Acts of Parliament.

(2) This Order may be cited as the Export of Goods (Control) (Amendment) Order 1964 and shall come into operation on 8th June 1964.

H. Bailey,

An Under Secretary of the
Board of Trade.

29th May 1964.

(a) 2 & 3 Geo. 6. c. 69.

(b) S.I. 1963/3 (1963 I, p. 9).

(c) The amendment is not relevant to this Order.

(d) S.I. 1964/704 (1964 II, p. 1354).

(e) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Export of Goods (Control) Order 1963 by extending the control on the export of live cattle and by imposing control on the export of live sheep and swine.

1964 No. 785

MERCHANDISE MARKS

**The Merchandise Marks (Imported Goods) No. 5 Order
1929 (Provisional Exemption) Direction 1964**

<i>Made - - - -</i>	28th May 1964
<i>Coming into Operation</i>	5th June 1964

Whereas it has been shown to the satisfaction of the Board of Trade by persons appearing to the Board to have a substantial interest in the matter that the application of some of the provisions of the Merchandise Marks (Imported Goods) No. 5 Order 1929(a), as amended(b), (hereinafter referred to as "the said Order") to the class or description of goods specified in the Schedule to this Direction has caused and is likely to cause injury to the said persons or some of them:

Now therefore the Board of Trade, in exercise of the powers conferred upon them by section 3 of the Merchandise Marks Act 1926(c), hereby give the following Direction:—

1. Part IV of the said Order shall apply to the class or description of goods specified in column 1 of the Schedule hereto subject to the modification that, for the manner in which the indication of origin is to be applied (specified in article 24 of the said Order), there shall be substituted the manner specified in column 2 of that Schedule.

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of this Direction as it applies to the interpretation of an Act of Parliament and as if this Direction and the Orders referred to herein were Acts of Parliament.

(2) This Direction may be cited as the Merchandise Marks (Imported Goods) No. 5 Order 1929 (Provisional Exemption) Direction 1964 and shall come into operation on the 5th June 1964.

28th May 1964.

David Price,
Parliamentary Secretary to
the Board of Trade.

(a) S.R. & O. 1929/1203 (Rev. XIII, p. 487: 1929, p. 885).

(b) The relevant amending instrument is S.I. 1960/2411 (1960 II, p. 1977).

(c) 16 & 17 Geo. 5. c. 53.

(d) 52 & 53 Vict. c. 63.

SCHEDULE

Column 1	Column 2
Class or description of goods	Manner in which the indication of origin is to be applied
Circular slitting saws, polished to a mirror finish, with a diameter not exceeding 65 millimetres.	By branding, printing or stamping on the carton or container in which the goods are imported, sold or exposed for sale, as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Direction, but is intended to indicate its general purport.)

The Merchandise Marks (Imported Goods) No. 5 Order 1929 (Part IV), as amended, prohibits the importation or the sale or exposure for sale in the United Kingdom of imported circular saws unless an indication of origin is applied both (i) to each article ; and (ii) to any carton or container in which, or to the front of any card on which, the article is imported, sold or exposed for sale.

This Direction exempts any circular saw described in the Schedule from having to bear an indication of origin on the article itself, but requires the indication to be applied by branding, printing or stamping on the carton or container in which the article is imported, sold or exposed for sale.

Under section 3 of the Merchandise Marks Act 1926, the Direction will remain in force for 12 months unless during that period it is withdrawn by the Board of Trade, or the 1929 Order is amended in respect of the goods affected by this Direction.

1964 No. 791 (S. 47)

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Ploughing Grants (Scotland) Scheme 1964

*Laid before Parliament in draft**Made - - - - - 27th May 1964**Coming into Operation 27th May 1964*

In exercise of the powers conferred upon me by sections 1, 2, 3 and 5 of the Agriculture (Ploughing Grants) Act 1952^(a), and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. This scheme may be cited as the Ploughing Grants (Scotland) Scheme 1964.

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

“the Act ” means the Agriculture (Ploughing Grants) Act 1952 ;

“agricultural ” has the same meaning as in section 86(3) of the Agriculture (Scotland) Act 1948^(b) ;

“eligible occupier ” means a person who is for the time being an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961^(c) or the Crofting Counties Agricultural Grants (Scotland) Scheme 1963^(d) and, except in the case of a person who is a subtenant as is mentioned in section 14(1)(c) of the Crofters (Scotland) Act 1961^(e), who has been offered a grant under either of said schemes ;

“grass ” includes rye grass and other rotational grasses, clover and permanent grass ;

“land under grass ” includes any grazing land ;

“occupier ” in relation to any land means the person who has the right to carry out on that land the operations referred to in Part I, or as the case may be, Part II of this scheme ; and the word “occupation ” shall be construed accordingly.

(2) For the purposes of this scheme grass shall be regarded as a crop.

(3) Any reference in this scheme to any other scheme shall be construed as a reference to that scheme as amended by any subsequent scheme, and if any scheme referred to in this scheme is replaced by a subsequent scheme the reference shall be construed as a reference to that subsequent scheme.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 35.

(b) 11 & 12 Geo. 6. c. 45.

(c) S.I. 1961/2266(1961 III, p. 3973).

(d) S.I. 1963/1294 (1963 II, p. 2240).

(e) 9 & 10 Eliz. 2. c. 58.

(4) The Interpretation Act 1889(a) applies for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

PART I

3. Subject to the provisions of this scheme a grant may be made by the Secretary of State under this part of this scheme in respect of the ploughing up of land under grass and the carrying out on the land of one of the further operations specified in the Schedule to this scheme.

4. The rate of grant to be made in accordance with this part of this scheme shall be £5 per acre :

Provided that in calculating the amount of a grant fractions of an acre less than one-quarter of an acre shall be disregarded.

5. Subject to the provisions of paragraph 10 of this scheme a grant under this part of this scheme may only be made where the land ploughed up—

- (a) is agricultural land ;
- (b) is, in the opinion of the Secretary of State, suitable for ploughing and cropping ;
- (c) is not less than one acre in area ;
- (d) was ploughed up from grass within the period beginning with 1st June 1964 and ending with 31st May 1965 ; and
- (e) at the time when such ploughing up was begun was under grass that had been sown before 1st June 1961, or had been continuously under grass since before that date.

PART II

6.—(1) Subject to the provisions of this scheme a grant may be made by the Secretary of State under this part of this scheme in respect of the following operations—

- (a) the ploughing up of land under grass ;
- (b) after ploughing, the carrying out of such further operations on the land as may be required by the Secretary of State and as are necessary, or form part of the operations necessary, to bring the land into a state of cleanliness, fertility and fitness for cropping ; and
- (c) the sowing on that land of a crop, unless in special circumstances the Secretary of State otherwise determines.

(2) A grant shall not be made under this part of this scheme in respect of any land unless before the commencement of any operations in respect of which such a grant may be made the Secretary of State has approved those operations in relation to that land and is satisfied that the carrying out thereof on that land is likely to involve expenditure which is substantially heavier than normal for operations such as are specified in sub-paragraph (1) of this paragraph.

7. The rate of grant to be made in accordance with this part of this scheme shall be £12 per acre :

Provided that in calculating the amount of a grant fractions of an acre less than one-quarter of an acre shall be disregarded.

8. Subject to the provisions of paragraph 10 of this scheme a grant under this part of this scheme may only be made where the land ploughed up—

- (a) is not less than one acre in area ;
- (b) was ploughed up from grass within the period beginning with 1st June 1964 and ending with 31st May 1965 ; and
- (c) at the time when such ploughing up was begun was under grass that had been sown not later than 1st June 1952, or had been continuously under grass since before that date.

PART III

9. The person to whom a grant may be made under Part I, or, as the case may be, Part II of this scheme, shall be the occupier of the land ploughed up as at the date of the completion, on that land, of the operations in respect of which the grant is payable:

Provided that where the occupier is a landholder within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931(a) or a crofter within the meaning of the Crofters (Scotland) Acts 1955 and 1961(b) or an eligible occupier to whom a grant may be made by virtue of the provisions of the next succeeding paragraph and an application for the grant is made on his behalf in accordance with the proviso to paragraph 14 of this scheme, the grant shall be made to the person making the application.

10. Where land is ploughed up by a landholder within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931 or a crofter within the meaning of the Crofters (Scotland) Acts 1955 and 1961 or an eligible occupier then notwithstanding that the area of that land is less than one acre a grant may be made in respect thereof if :

- (a) the area so ploughed up and any areas of land ploughed up by neighbouring landholders or neighbouring crofters or neighbouring eligible occupiers, as the case may be, together in the aggregate amount to or exceed one acre,
- (b) the provisions of this scheme are complied with in relation to all the areas so ploughed up, or in relation to such number of them as, in the aggregate, amount to or exceed one acre, and
- (c) an application for grant in respect of all those areas is made on behalf of those landholders or crofters or eligible occupiers, as the case may be, by the Clerk of the Committee appointed for the management of the common grazings or common pasture in which the landholders or crofters or eligible occupiers, as the case may be, all have shares, or, where there is no such Clerk, or, where they do not all have such shares, by a person who has been duly authorised by the landholders or crofters or eligible occupiers, in a manner satisfactory to the Secretary of State, to make the application.

11. The Secretary of State may require an applicant for a grant under Part I, or, as the case may be, Part II, of this scheme to give to any person authorised by the Secretary of State in that behalf adequate facilities for the inspection of any land to which the application relates.

(a) 49 & 50 Vict. c. 29; 50 & 51 Vict. c. 24; 54 & 55 Vict. c. 41; 8 Edw. 7. c. 50; 1 & 2 Geo. 5. c. 49; 9 & 10 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44.

(b) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58.

12. Where, in the opinion of the Secretary of State—

(a) the ploughing or any further operation in respect of which a grant under Part I, or, as the case may be, Part II, of this scheme may be made has been inefficiently carried out, or

(b) adequate facilities for the inspection of the land in respect of which such a grant may be made have not been given,

payment of the grant may be withheld or the amount of the grant may be reduced to such amount as the Secretary of State considers reasonable.

13. If in respect of any of the operations in respect of which a grant is payable under Part I, or, as the case may be, Part II, of this scheme payments of moneys provided by Parliament under any enactment other than the Act are available, the Secretary of State in determining the amount of grant payable under Part I, or, as the case may be, Part II of this scheme may take into consideration such payments, and may withhold or reduce the amount payable under this scheme accordingly.

14. A grant shall not be made under Part I of this scheme unless an application for the grant—

(a) is made to the Secretary of State, by the occupier of the land ploughed up, in writing in such form as the Secretary of State may from time to time require, and

(b) is received by the Secretary of State not later than 30th June 1965 or before such later date as the Secretary of State may by reason of the special circumstances of any case allow :

Provided that, where the occupier is a landholder within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931 or a crofter within the meaning of the Crofters (Scotland) Acts 1955 and 1961 or an eligible occupier, an application under this paragraph may be made on his behalf in the manner specified in paragraph 10(c) of this scheme.

15. Nothing in this scheme shall authorise the Secretary of State to make a grant under both Part I and Part II of this scheme in respect of the same land.

16. A grant shall not be made under this scheme in respect of any land which has been the subject of a grassland renovation grant made by virtue of a scheme under section 11 of the Agriculture (Miscellaneous Provisions) Act 1963(a).

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

25th May 1964.

We approve.

John Hill,

M. A. Hamilton,

Two of the Lords Commissioners
of Her Majesty's Treasury.

27th May 1964.

Paragraph 3(1)

SCHEDULE

FURTHER OPERATIONS

The following shall be further operations after ploughing for the purposes of Part I of this scheme :—

- (a) Ploughing a second time, rotavating, discing, cultivating, rolling, harrowing or any similar operation carried out for the purpose of producing a tilth.
- (b) Spreading lime or fertiliser.
- (c) Sowing or planting.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is the fourteenth scheme to be made under the Agriculture (Ploughing Grants) Act 1952, provides for the making of grants by the Secretary of State at two different rates in respect of land ploughed up from grass, where after ploughing the operations described in the scheme are carried out.

Part I of the scheme differs from the 1963 scheme (S.I. 1963/1020) in that qualification for the £5 per acre grant is no longer based upon the full range of operations necessary to produce a crop, but on ploughing followed by one of the operations specified in the scheme. Such grant is however restricted to agricultural land which is suitable for ploughing and cropping. Notice of ploughing is no longer required, but applications for grant must be made by 30th June 1965, unless in special circumstances the Secretary of State allows more time.

All other qualifying dates in the scheme have been advanced by one year, but in other respects the scheme is materially the same as the previous one.

1964 No. 792 (S. 48)

AGRICULTURE

AGRICULTURAL GRANTS, GOODS AND SERVICES

The Winter Keep (Scotland) (Amendment) Scheme 1964

Laid before Parliament in draft

Made - - - - - 27th May 1964

Coming into Operation 27th May 1964

In exercise of the powers conferred on me by sections 10 and 12 of the Agriculture (Miscellaneous Provisions) Act 1963^(a) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament :

Citation

1. This scheme may be cited as the Winter Keep (Scotland) (Amendment) Scheme 1964.

Amendment of 1963 Scheme

2. The Winter Keep (Scotland) Scheme 1963^(b) shall be varied as follows :—

(a) in paragraph 2(1) for the definitions of “ agricultural unit ”, “ croft ” and “ eligible occupier ” there shall be substituted respectively the following definitions—

“ ‘ agricultural unit ’ means land, other than land occupied by any person as a crofter or as an eligible occupier, which is occupied as a unit for agricultural purposes, together with any other land, including land held in common, used in connection with such land for the purpose of grazing ; ”,

“ ‘ crofter ’ means a crofter within the meaning of the Crofters (Scotland) Acts 1955 and 1961(c) ; ” and

“ ‘ eligible occupier ’ means a person who is for the time being an eligible occupier within the meaning of the Crofting Counties Agricultural Grants (Scotland) Scheme 1961(d) or the Crofting Counties Agricultural Grants (Scotland) Scheme 1963(e) and, except in the case of a person who is a subtenant as is mentioned in section 14(1)(c) of the Crofters (Scotland) Act 1961, who has been offered a grant under either of said Schemes ; ” ;

(a) 1963 c. 11.

(b) S.I. 1963/1024 (1963 II, p. 1722).

(c) 3 & 4 Eliz 2. c. 21 and 9

& 10 Eliz. 2. c. 58.

(d) S.I. 1961/2266 (1961 III, p. 3973).

(e) S.I. 1963/1294 (1963 II, p. 2240).

(b) immediately after paragraph 2(2) there shall be inserted the following subparagraph—

“(2A) Any reference in this scheme to any other scheme shall be construed as a reference to that scheme as amended by any subsequent scheme, and if any scheme referred to in this scheme is replaced by a subsequent scheme the reference shall be construed as a reference to that subsequent scheme.”;

(c) in paragraph 8 subparagraphs (1) and (2) shall cease to have effect ; and

(d) in Column 2 of Schedule 2 for the figures “£1 10s.”, “£2 10s.” and “£4” there shall be substituted respectively the figures “£2 10s.”, “£3 10s.” and “£5”.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

25th May 1964.

We approve.

John Hill,

M. A. Hamilton,

Two of the Lords Commissioners of
Her Majesty's Treasury.

27th May 1964.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme amends the Winter Keep (Scotland) Scheme 1963, by increasing the annual rates of winter keep grant by £1 per acre, and by removing the ploughing grant disqualification, so that payment of ploughing grant no longer disqualifies the land for winter keep grant.

Amendments have also been made in the definitions of “agricultural unit”, “croft” and “eligible occupier” to clarify the relationship between eligibility for winter keep grants and for grants available under crofting legislation.

 STATUTORY INSTRUMENTS

1964 No. 793 (S. 49)

AGRICULTURE

LIVESTOCK INDUSTRIES

The Calf Subsidies (Scotland) (Amendment) Scheme 1964

*Laid before Parliament in draft**Made - - - - 27th May 1964**Coming into Operation 27th May 1964*

In exercise of the powers conferred upon me by section 1(1) and (5) of the Agriculture (Calf Subsidies) Act 1952(a) and of all other powers enabling me in that behalf, and with the approval of the Treasury, I hereby make the following scheme, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament :—

Citation

1. This scheme may be cited as the Calf Subsidies (Scotland) (Amendment) Scheme 1964.

Amendment of the 1961 scheme

2. The Calf Subsidies (Scotland) Scheme 1961(b) shall be varied by substituting for paragraph 3 of that scheme the following paragraph :—

“ 3. Subject to the provisions of this scheme, the Secretary of State may pay to the person who is the owner of a calf to which this scheme applies at the time when the calf is certified to be a calf of the description specified in this scheme—

(a) in the case of a heifer calf, a subsidy of £7 10s.,

(b) in the case of a steer calf born before 1st January 1964, a subsidy of £9 5s., or

(c) in the case of a steer calf born on or after 1st January 1964, a subsidy of £9 15s.”.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

25th May 1964.

We approve.

*John Hill,**M. A. Hamilton,*

Two of the Lords Commissioners of
Her Majesty's Treasury.

27th May 1964.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is made under the Agriculture (Calf Subsidies) Act 1952, increases from £9 5s. to £9 15s. the subsidy payable for a steer calf born between 1st January and 29th October 1964, both dates inclusive.

1964 No. 798

SUGAR

The Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964

<i>Made - - - -</i>	<i>3rd June 1964</i>
<i>Laid before Parliament</i>	<i>4th June 1964</i>
<i>Coming into Operation</i>	<i>5th June 1964</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964 ; and shall come into operation on 5th June 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1964(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 5th June 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 5th June 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) Order 1964 be those specified in Schedule 2 to this order.

(a) 4 & 5 Eliz. 2. c. 48.
(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 44.
(d) S.I. 1964/777 (1964 II, p. 1656).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd June 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

We concur.

3rd June 1964.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

PART I

SURCHARGE RATES FOR SUGAR

Polarisation	Rate of Surcharge per cwt.
	s. d.
Exceeding—	
99°	18 8·0
98° but not exceeding 99°	17 7·2
97° " " " 98°	17 2·0
96° " " " 97°	16 8·7
95° " " " 96°	16 3·3
94° " " " 95°	15 9·9
93° " " " 94°	15 4·5
92° " " " 93°	14 11·2
91° " " " 92°	14 5·8
90° " " " 91°	14 0·4
89° " " " 90°	13 7·0
88° " " " 89°	13 1·6
87° " " " 88°	12 9·2
86° " " " 87°	12 4·7
85° " " " 86°	12 0·7
84° " " " 85°	11 8·6
83° " " " 84°	11 4·6
82° " " " 83°	11 0·6
81° " " " 82°	10 9·0
80° " " " 81°	10 5·4
79° " " " 80°	10 1·8
78° " " " 79°	9 10·2
77° " " " 78°	9 6·6
76° " " " 77°	9 3·1
Not exceeding 76°	9 0·0

PART II
SURCHARGE RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge per cwt.
	s. d.
70 per cent. or more	11 10
Less than 70 per cent. and more than 50 per cent.	8 6
Not more than 50 per cent.	4 2

SCHEDULE 2
SURCHARGE REPAYMENT RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
	s. d.
More than 80 per cent.	14 0
More than 70 per cent. but not more than 80 per cent.	11 10
More than 60 per cent. but not more than 70 per cent.	8 6
More than 50 per cent. but not more than 60 per cent.	6 9
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon	4 2

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes—

- (a) increases equivalent to 4s. 8d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 5th June 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

1964 No. 799

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
(No. 3) Order 1964**

<i>Made - - - -</i>	<i>3rd June 1964</i>
<i>Laid before Parliament</i>	<i>4th June 1964</i>
<i>Coming into Operation</i>	<i>5th June 1964</i>

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 3) Order 1964 ; and shall come into operation on 5th June 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 5th June 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 2) Order 1964(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 5th June 1964.

(a) S.I. 1964/778 (1964 II, p. 1659).

(c) 10 & 11 Eliz. 2. c. 44.

(e) S.I. 1964/798 (1964 II, p. 1681).

(b) 4 & 5 Eliz. 2. c. 48.

(d) 52 & 53 Vict. c. 63.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd June 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

SCHEDULE 1

In this Schedule :—

“ Tariff heading ” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“ Per cent. ” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter	1 10
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	8 3
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter	11 10
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter	8 6
	containing not more than 50 per cent. by weight of sweetening matter	4 2
17.02 (F) ..	Caramel :— Solid	18 8
	Liquid	13 1
17.04	Sugar confectionery, not containing cocoa	15 2
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	10 10
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits	per cent. 4
	Other	2½

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 5½
20.03	Fruit preserved by freezing, containing added sugar	2
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 12 3
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	11 9
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 8 2
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	¼ 9½
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	9½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 12 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule I on and after 5th June 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964 (S.I. 1964/798). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

1964 No. 800

COAL INDUSTRY

The Opencast Coal (Rate of Interest on Compensation) Order 1964

<i>Made - - - -</i>	3rd June 1964
<i>Laid before Parliament</i>	8th June 1964
<i>Coming into Operation</i>	9th June 1964

The Treasury, in exercise of the powers conferred upon them by sections 35(8) and 49(4) of the Opencast Coal Act 1958(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

1. The rate of interest for the purposes of section 35 of the Opencast Coal Act 1958 shall be $5\frac{1}{2}$ per cent. per annum.
2. The Opencast Coal (Rate of Interest on Compensation) (No. 2) Order 1962(b) is hereby revoked.
3. The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. This Order may be cited as the Opencast Coal (Rate of Interest on Compensation) Order 1964 and shall come into operation on 9th June 1964.

*M. A. Hamilton,
Ian MacArthur,*

Two of the Lords Commissioners of
Her Majesty's Treasury

3rd June 1964.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 35 of the Opencast Coal Act 1958 provides that interest shall be payable in addition to compensation in certain circumstances. This Order increases the rate of interest from $4\frac{1}{2}$ per cent. to $5\frac{1}{2}$ per cent. per annum and revokes the Opencast Coal (Rate of Interest on Compensation) (No. 2) Order 1962.

(a) 6 & 7 Eliz. 2. c. 69.

(b) S.I. 1962/2062 (1962 III, p. 2494).

(c) 52 & 53 Vict. c. 63.

1964 No. 801

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1964

<i>Made - - - -</i>	<i>2nd June 1964</i>
<i>Coming into Operation</i>	<i>24th June 1964</i>

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Dressmaking and Women's Light Clothing Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 24th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1961(c) and the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (Amendment) Order 1962(d), shall cease to have effect.

Dated 2nd June 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1961/1 (1961 I, p. 1).
(d) S.I. 1962/1038 (1962 II, p. 1201).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1961(a) (Order W.D. (71)) as amended by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (Amendment) Order 1962(b) (Order W.D. (73)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part V of this Schedule is:—

- (a) in the case of a time worker, the hourly general minimum time rate ;
 (b) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly piece work basis time rate or, where no piece work basis time rate is applicable, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker.

(2) In this Schedule:—

“hourly general minimum time rate” means the general minimum time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

“hourly piece work basis time rate” means the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

PART II

RETAIL BESPOKE BRANCH

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

2. Subject to the provisions of this Schedule, the general minimum time rates applicable to female workers in the retail bespoke branch, in Areas A, B and C respectively, are as follows:—

Area A	Area B	Area C
Per week	Per week	Per week
of	of	of
42 hours	42 hours	42 hours
s. d.	s. d.	s. d.

(1) BODICE, COAT, SKIRT, GOWN OR BLOUSE HANDS, aged 20 years or over, who—

(a) having worked for 2½ years in the said branch in one or more of the occupations of learner, apprentice or improver and for at least 2 years in the said branch thereafter,

(b) take bodices, coats, skirts, gowns or blouses direct from the fitter in an establishment in which a fitter is employed and make them up without supervision other than the general supervision of the fitter or the work-room foreman or forewoman

... 128 10 136 5 140 9

	Area A		Area B		Area C	
	Per week of 42 hours s. d.	Per week of 42 hours s. d.	Per week of 42 hours s. d.	Per week of 42 hours s. d.	Per week of 42 hours s. d.	Per week of 42 hours s. d.
(2) LEARNERS during the following periods of employment in the retail bespoke branch:—						
<i>1st year</i>	61	8	64	11	76	11
<i>2nd year</i>	82	3	86	8	96	4
<i>6 months then next ensuing</i>	90	11	97	5	110	4
Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years shall be treated for the purposes of this paragraph as though she had, at the date of her entry, completed her first year's employment as a learner in the said branch.						
(3) All other workers	119	1	126	7	134	2

RECKONING EMPLOYMENT IN THE WHOLESALE MANUFACTURING BRANCH

3. Where a worker has been employed in the wholesale manufacturing branch, one half of the period of such employment shall be treated for the purposes of this Part of this Schedule as employment in the retail bespoke branch.

DEFINITION OF AREAS

4. For the purposes of this Part of this Schedule:—

Area A—comprises each area in England and Wales which on 26th April 1931, the date of the census of 1931, was administered by

(1) a Rural District Council or

(2) a Municipal Borough Council or an Urban District Council having according to the said census a population of less than 10,000

but does not include any area then within the Metropolitan Police District

Area B—comprises the whole of England and Wales except Area A and Area C.

Area C—comprises the City of London and the Metropolitan Police District as existing on 26th April 1931.

MALE WORKERS

GENERAL MINIMUM TIME RATES

5. Subject to the provisions of this Schedule, the general minimum time rates applicable to male workers in the retail bespoke branch are as follows:—

	Per week of 42 hours s. d.	
	s.	d.
Aged 21 years or over	179	8
" 20 and under 21 years	153	9
" 19 " " 20 "	138	6
" 18 " " 19 "	123	5
" 17 " " 18 "	110	4
" 16 " " 17 "	93	1
" under 16 years	75	10

PIECE WORK BASIS TIME RATE

	Per week of 42 hours s. d.
9. The piece work basis time rate applicable to a female worker of any age employed in the wholesale manufacturing branch on piece work is	147 3

MALE WORKERS

GENERAL MINIMUM TIME RATES

10. Subject to the provisions of this Schedule, the general minimum time rates applicable to male workers in the wholesale manufacturing branch are as follows:—

	Per week of 42 hours s. d.
(1) CUTTERS aged 21 years or over who have had at least 4 years' experience as cutters in the wholesale manufacturing branch	199 2
(2) All other workers:—	
Aged 21 years or over	179 8
„ 20 and under 21 years	155 10
„ 19 „ „ 20 „	140 9
„ 18 „ „ 19 „	125 7
„ 17 „ „ 18 „	112 7
„ 16 „ „ 17 „	95 3
„ under 16 years	77 11

Provided that the general minimum time rate applicable during his first year's employment in the trade to a worker who enters or has entered, the trade for the first time at or over the age of 19 years shall be—

During the 1st six months of such employment	124 6
„ „ 2nd „ „ „ „ „	131 0

PIECE WORK BASIS TIME RATES

11. The piece work basis time rates applicable to male workers employed in the wholesale manufacturing branch on piece work are as follows:—

	Per week of 42 hours s. d.
(1) CUTTERS aged 21 years or over who have had at least 4 years' experience as cutters in the wholesale manufacturing branch	214 4
(2) All other workers	194 10

PART IV

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

12. Where any worker has completed a full course of training as a machinist or as a hand sewer under the Government Vocational Training Scheme for resettlement training such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as though it were

(1) in the case of a female worker, a period of three years' employment as a learner in the branch of the trade in which she is employed, or

- (2) in the case of a male worker, a period of at least one year's employment in the trade.

PART V

RETAIL BESPOKE BRANCH AND WHOLESALE
MANUFACTURING BRANCH

OVERTIME AND WAITING TIME

ALL WORKERS OTHER THAN ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO ATTEND ON 6 DAYS IN THE WEEK

NORMAL NUMBER OF HOURS

13. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 14 are payable to workers in any branch of the trade, other than alteration hands referred to in paragraphs 15 and 16, in respect of any time worked—
- (1) in excess of the hours following, that is to say,
- | | | |
|--|--------|----------|
| (a) in any week | ... .. | 42 hours |
| (b) on any day other than a Saturday, Sunday or customary holiday— | | |
| where the normal working hours exceed 8½ | ... .. | 9 hours |
| or | | |
| where the normal working hours are not more than 8½ | ... .. | 8½ hours |
- (2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

- 14.—(1) Minimum overtime rates are payable to a worker in any branch of the trade other than an alteration hand referred to in paragraphs 15 and 16 as follows:—
- (a) on any day other than a Sunday or customary holiday—
- | | | |
|--|--------|--------------------|
| (i) for the first 2 hours of overtime worked | ... .. | time-and-a-quarter |
| (ii) for the next 2 hours | ... .. | time-and-a-half |
| (iii) thereafter | ... .. | double time |
- (b) on a Sunday or customary holiday—
- | | | |
|---------------------|--------|-------------|
| for all time worked | | double time |
|---------------------|--------|-------------|
- Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.
- (c) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—
- | | | |
|---|--------|--------------------|
| for all time worked in excess of 42 hours | | time-and-a-quarter |
|---|--------|--------------------|
- (2) The minimum overtime rates set out in sub-paragraph (1) (a) or (b) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1) (c) is also payable.

- (3) Where a worker employed in the retail bespoke branch of the trade, normally attends work on a Saturday, instead of on another week-day, for the purposes of this Part of this Schedule that other week-day shall be treated as a Saturday and Saturday as another week-day.

**ALTERATION HANDS WHO ARE NORMALLY REQUIRED TO
ATTEND ON 6 DAYS IN THE WEEK**

NORMAL NUMBER OF HOURS

15. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 16 are payable to workers in any branch of the trade who are normally required to attend on 6 days in the week and who are employed solely in the alteration (including repairing and renovating) of any of the articles specified in inclusion (1) in paragraph 21 and who are employed in or about a shop engaged in the retail sale of the articles so specified, as follows:—

- | | |
|--|----------------------|
| (1) in any week, | 42 hours |
| for all time worked in excess of | |
| (2) on any day other than a Saturday, Sunday or a customary holiday, | 8 hours |
| for all time worked in excess of | |
| (3) on a Saturday, not being a customary holiday, | 4 hours |
| for all time worked in excess of | |
| (4) on a Sunday or a customary holiday | for all time worked. |

MINIMUM OVERTIME RATES

16.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in any branch of the trade who is normally required to attend on 6 days in the week and who is employed solely in the alteration (including repairing and renovating) of any of the articles specified in inclusion (1) in paragraph 21 and who is employed in or about a shop engaged in the retail sale of the articles so specified, as follows:—

- | | |
|--|--------------------|
| (a) on any day other than a Saturday, Sunday or customary holiday— | |
| (i) for the first two hours worked in excess of 8 hours | time-and-a-quarter |
| (ii) for the next two hours | time-and-a-half |
| (iii) thereafter | double time |
| (b) on a Saturday, not being a customary holiday— | |
| (i) for the first 4 hours worked in excess of 4 hours | time-and-a-half |
| (ii) thereafter | double time |
| (c) on a Sunday or a customary holiday— | |
| for all time worked | double time |
| (d) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph— | |
| for all time worked in excess of 42 hours ... | time-and-a-quarter |
| (2) The minimum overtime rates set out in sub-paragraph (1) (a), (b) or (c) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1) (d) of this paragraph is also payable. | |
| (3) Where the worker normally attends on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where such attendance is unlawful) Saturday shall be treated as a Sunday, and, subject to the provisions of sub-paragraph (4) of this paragraph, Sunday as a Saturday. | |
| (4) Where the worker normally attends on six days in the week and an ordinary week-day is substituted for Saturday, or in a case where the provisions of sub-paragraph (3) of this paragraph apply, for Sunday, as the worker's weekly | |

short day, for the purposes of this Part of this Schedule (except where such substitution is unlawful) that ordinary week-day shall be treated as a Saturday and Saturday or Sunday, as the case may be, as an ordinary week-day.

17. In this Part of this Schedule:—

(1) the expression “customary holiday” means—

(a) Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

or (b) in the case of each of the said days a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day;

(2) the expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker;

(b) in the case of a male worker employed on piece work in either branch or of a female worker employed on piece work in the wholesale manufacturing branch—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the piece rates otherwise payable to the worker under paragraph 1 (1) (b);

(c) in the case of a female worker employed on piece work in the retail bespoke branch—

(i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be payable to the worker if she were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the piece rates otherwise payable to the worker under paragraph 1 (1) (b).

WAITING TIME

18.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—

(a) without the employer’s consent, express or implied;

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;

(c) by reason only of the fact that he is resident thereon;

(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART VI
INTERPRETATION

19. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- (1) "The trade" means the trade of dressmaking and the making of women's light clothing, that is to say, those branches of the women's clothing trade which are specified in paragraph 21.
- (2) The retail bespoke branch means that branch of the trade in which the employer supplies the garment direct to the individual wearer and employs the worker direct.
- (3) The wholesale manufacturing branch means any branch of the trade other than the retail bespoke branch.
- (4) A cutter means a person who is substantially employed in one or more of the following processes:—
 - (a) marking-in or marking-out or marking-up materials ;
 - (b) laying-up or hooking-up or folding materials ;
 - (c) cutting materials ;
 - (d) dividing, that is to say, the process ordinarily carried on by cutters or their assistants of dividing, parting or separating parts of garments which are being cut and of assembling them into suitable bundles for making up.
- (5) A learner means a female worker who is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, one of the branches of the trade or the various processes involved in the making of any of the articles specified in the definition of the trade set out in paragraph 21.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

20. This Schedule shall not apply to—

- (a) machinists
- (b) hand sewers

during any period in respect of which they are in receipt of allowances as provided under the Government Vocational Training Scheme for resettlement training if they are trainees who have been placed by the Ministry of Labour with the employer for a period of approved training and if the requirements of the said Scheme are duly complied with.

21. Subject to the provisions of paragraph 20, this Schedule applies to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in those branches of the Women's Clothing Trade which are specified in Regulation 1 of the Trade Boards (Dressmaking and Women's Light Clothing Trade, England and Wales) (Constitution and Proceedings) Regulations 1928(a), excluding any processes or operations included in the appendix to the Trade Boards (Shirtmaking) Order 1920(b).

The said branches of the women's clothing trade are specified in the said Regulations as follows:—

Those branches of the women's clothing trade that are engaged in the making of non-tailored garments, namely, the making from textile or knitted fabrics of (a) non-tailored wearing apparel (other than handkerchiefs) worn by women or girls, or by children without distinction

of sex, or (b) boys' ready-made washing suits or sailor suits, where carried out in association with or in conjunction with the making of garments to be worn by women or girls or by children without distinction of sex ;

INCLUDING:—

- (1) All operations and processes of cutting, making or finishing by hand or machine of dresses, non-tailored skirts, wraps, blouses, blouse-ropes, jumpers, sports-coats, neckwear, tea-gowns, dressing gowns, dressing jackets, pyjamas, under-clothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby-linen or similar non-tailored articles ;
- (2) The making of field bonnets, sun-bonnets, boudoir caps or infants' millinery where carried on in association with or in conjunction with the making of any of the articles mentioned in paragraph (1) above ;
- (3) (a) The altering, repairing, renovating or re-making of any of the above-mentioned articles ;
(b) The cleaning of any of the above-mentioned articles, where carried on in association with or in conjunction with the altering, repairing, renovating or re-making of such garments ;
- (4) All processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or re-making of such articles other than hand embroidery or hand-drawn thread work on articles made of linen or cotton or of mixed linen and cotton ;
- (5) The following processes if done by machine:—thread-drawing, thread-clipping, top-sewing, scalloping, nickelling and paring ;
- (6) Laundering, smoothing, folding, ornamenting, boxing, packing, warehousing or other operations incidental to or appertaining to the making, altering, repairing, renovating or re-making of any of the above-mentioned articles ;

BUT EXCLUDING:—

- (a) The making of knitted articles ; the making of under-clothing, socks and stockings, from knitted fabrics ; and the making from knitted fabrics of articles mentioned in paragraphs (1) and (2) above, where carried on in association with or in conjunction with the manufacture of the knitted fabrics ;
- (b) The making of gloves, spats, gaiters, boots, shoes and slippers ;
- (c) The making of headgear, other than the articles mentioned in paragraph (2) above ;
- (d) The branches of trade covered by the Trade Boards (Corset) Order 1919(a) ;
- (e) The making of rubberised or oilskin garments ;
- (f) The making of women's collars and cuffs and of nurses' stiff washing belts where carried on in association with or in conjunction with the making of men's or boys' shirts or collars ;
- (g) Warehousing, packing and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made on the premises.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 24th June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) Order 1961 (Order W.D. (71)) as amended by the Wages Regulation (Dressmaking and Women's Light Clothing) (England and Wales) (Amendment) Order 1962 (Order W.D. (73)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 802 (S. 50)

BUILDING AND BUILDINGS**The Building Standards (Scotland) Amendment
Regulations 1964**

<i>Made - - - -</i>	<i>3rd June 1964</i>
<i>Laid before Parliament</i>	<i>10th June 1964</i>
<i>Coming into Operation</i>	<i>15th June 1964</i>

In exercise of the powers conferred on me by sections 3, 6 and 24 of, and Schedule 4 to, the Building (Scotland) Act 1959(a), and of all other powers enabling me in that behalf, and having complied with the provisions of section 3(6) of that Act, that is to say—

- (a) having consulted the Building Standards Advisory Committee as to the contents of the proposed Regulations, and
- (b) having published drafts of the proposed Regulations together with a notice stating that representations as to the drafts may be lodged with me in the manner and within the time stated in the notice, and
- (c) having considered the representations duly lodged (no person having required the holding of a public inquiry), and
- (d) having consulted the Building Standards Advisory Committee as to the alterations that I proposed to the said drafts,

I hereby make the following Regulations—

1.—(1) These Regulations shall be cited as the Building Standards (Scotland) Amendment Regulations 1964, and the Building Standards (Scotland) Regulations 1963(b) and these Regulations may be cited together as the Building Standards (Scotland) Regulations 1963 and 1964.

(2) These Regulations shall come into operation on 15th June 1964.

2.—(1) In these Regulations, unless the context otherwise requires—

- (a) “ the principal Regulations ” means the Building Standards (Scotland) Regulations 1963, and other words and expressions have the same meanings as in the principal Regulations ;
- (b) any reference to a Part, Regulation or Schedule shall be construed as a reference to a Part or Regulation of, or Schedule to the principal Regulations and any reference to a numbered Table shall be construed as a reference to a Table in Schedule 8 to the principal Regulations.

(2) References in these Regulations to any Regulation shall be construed as a reference to that Regulation as amended by any subsequent Regulations, including these Regulations.

(a) 7 & 8 Eliz. 2. c. 24.

(b) S.I. 1963/1897 (1963 III, p. 3534).

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. In Regulation 2 the following paragraph shall be added after paragraph (3)—

“(3A) Any reference in these Regulations to a British Standard or a British Standard Code of Practice shall be construed as a reference to a British Standard Specification or a British Standard Code of Practice published under authority of the General Council of the British Standards Institution.”

4. In Regulation 40, for paragraphs (3) and (4) there shall be substituted the following paragraphs—

“(3) No garage to which paragraph (1)(b) of this Regulation applies, shall be nearer to the building second referred to in the said paragraph (1)(b) than 10 feet:

Provided that nothing in this paragraph shall require a garage, the roof of which is designated AA, AB or AC, to be situated at a distance greater than 3 feet 6 inches from any external wall of the building if either of the following conditions is satisfied—

(i) in relation to any part of the external wall which is within 6 feet of the garage—

(A) such part is non-combustible or has an external facing of non-combustible material, and

(B) such part has a period of fire resistance of not less than one-half hour, and

(C) any opening in such part, other than such an opening as is specified in Regulation 37(4)(a), is protected by a fire-check door within the meaning of proviso (i) to Regulation 28(6); or

(ii) in relation to the wall of the garage adjacent to the building—

(A) such wall is non-combustible or has an external facing of non-combustible material, and

(B) such wall has either an internal lining of Grade A as specified in Regulation 57 or a period of fire resistance of not less than one-half hour, and

(C) any opening in such wall, not being a permanent ventilator having a cross-sectional area not exceeding 10 square inches, is protected by a fire-check door within the meaning of proviso (i) to Regulation 28(6) which, with its frames and surrounds, has a period of fire resistance of not less than one-half hour.

(4) No part of the external wall of a garage to which this Regulation applies shall be nearer to the boundary than 7 feet:

Provided that nothing in this paragraph shall—

(i) prohibit the wall being situated on the boundary if—

(A) the external wall of the garage satisfies the requirements of this Part for a separating wall having a period of fire resistance of not less than one hour, and

(B) if the garage is not set off, the roof thereon is designated AA, AB or AC;

- (ii) require the wall to be situated at a distance from the boundary greater than 1 foot 6 inches if the garage is set off ;
- (iii) require the wall to be situated at a distance from the boundary greater than 3 feet 6 inches if—

(A) the external wall of the garage adjacent to the boundary satisfies condition (ii) of the proviso to paragraph (3) of this Regulation, and

(B) the roof of the garage is designated AA, AB or AC.

(5) Any reference in the last foregoing paragraph of this Regulation to a garage which is set off shall be construed as a reference to a garage which is either not less than 10 feet behind the back wall or not less than 10 feet in front of the front wall of the building second referred to in paragraph (1)(b) of this Regulation."

5. In Regulation 46(1), in the proviso for the words "head 1 of Part II of Table 11" there shall be substituted the words "head 5 of Part IV of Table 11".

6. In Regulation 88(2), for sub-paragraph (h) there shall be substituted the following sub-paragraph—

"(h) no part of a subsidiary flue, other than a connecting bend no part of which is more than 24 inches in length, makes an angle with the horizontal plane of less than 45°".

7. In Regulation 142(1), at the end there shall be inserted the following proviso—

"Provided that nothing in the said Regulations shall apply to any open-jointed, porous or perforated drain which is a surface water drain communicating with a soak-away, ditch or other means of disposal approved by the local authority",

and paragraph (8) of that Regulation shall be omitted.

8. In Regulation 185(5), for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) in the bathroom provided so as to comply with paragraph (3) of this Regulation".

9. In Schedule 8—

(a) in Part VIB of Table 4, for the words "3 inch plasterboard" in column (3) there shall be substituted the words " $\frac{3}{8}$ inch plasterboard";

(b) in Part I of Table 8, at the end there shall be inserted the following item—

Covering material	Supporting structure	Designation
"6. Bitumen felt strip slates, asbestos based, mineral surfaced with an under layer of self-finished bitumen asbestos felt minimum 30 pounds	Timber rafters and boarding	BB "

(c) in Part IVA of Table 8, in the columns headed "Combustible Deck" for the dash, in each of the eight places where it occurs, there shall be substituted the letters "AA";

(d) in Part IVB of Table 8, in the column headed "Upper Layer", in Item 2, for the words "Type 2C, mineral asbestos surfaced bitumen felt 80 pounds" there shall be substituted the words "Type 2C, mineral surfaced bitumen asbestos felt 80 pounds".

10. In Schedule 9—

(a) in Head A, in paragraph 1, there shall be omitted the words "for the time being", and for the words "including any published amendments thereto" there shall be substituted the words "as at the date of making these Regulations, including any amendments thereto published at that date";

(b) in Head B,

(i) in Specification (5) to Regulation 101, for paragraph (a) there shall be substituted the following paragraph—

"(a) the element is built of—

- (i) clay engineering bricks, or
- (ii) granite blocks,

conforming in either case to the appropriate specification listed in column (1) of Part I of Schedule 10";

(ii) in Specification (2) to Regulation 142(2), at the end insert the words "or B.S. 3656".

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
3rd June 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Building Standards (Scotland) Regulations 1963 so that the references therein to publications and amendments to publications are limited to those published prior to 22nd November 1963 (the date of making the said Regulations of 1963). They also contain a definition of the references to British Standards and British Standard Codes of Practice.

The Regulations also make a number of minor amendments to the Building Standards (Scotland) Regulations 1963, and in particular alter the provisions governing the standards required for the construction of small garages.

1964 No. 803 (S. 51)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Executive Councils) (Scotland)
Amendment Regulations 1964**

<i>Made - - - -</i>	<i>2nd June 1964</i>
<i>Laid before Parliament</i>	<i>10th June 1964</i>
<i>Coming into Operation</i>	<i>11th June 1964</i>

In exercise of the powers conferred on me by paragraph 4(e) of Schedule 6 to the National Health Service (Scotland) Act 1947(a), as amended by Part II of the Schedule to the National Health Service (Amendment) Act 1949(b), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the National Health Service (Executive Councils) (Scotland) Amendment Regulations 1964, and shall come into operation on 11th June 1964.

(2) The National Health Service (Executive Councils) (Scotland) Regulations 1954(c) (hereinafter referred to as the “principal regulations”), and these regulations may be cited together as the National Health Service (Executive Councils) (Scotland) Regulations 1954 to 1964.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. In regulation 16 of the principal regulations for the words “ten pounds” and “twenty pounds” there shall be substituted respectively the words “twenty pounds” and “thirty pounds”.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

2nd June 1964.

(a) 10 & 11 Geo. 6. c. 27.
(c) S.I. 1954/461 (1954 I, p. 1370).

(b) 12, 13 & 14 Geo. 6. c. 93.
(d) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations alter the existing regulations by increasing the amount which an Executive Council may pay as a subscription to the funds of any association of Councils whose objects are approved by the Secretary of State.

1964 No. 809

AGRICULTURE

**The Price Stability of Imported Products
(Levy Arrangements) Order 1964**

<i>Made - - - -</i>	4th June 1964
<i>Laid before Parliament</i>	8th June 1964
<i>Coming into Operation</i>	
<i>Parts I and III - -</i>	9th June 1964
<i>Part II - - - -</i>	1st July 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (3), (4), (6) and (7) of the Agriculture and Horticulture Act 1964^(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

PART I

Citation and Commencement

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) Order 1964; and shall come into operation on 9th June 1964 with the exception of Part II thereof which shall come into operation on 1st July 1964.

Interpretation

2.—(1) In this order, except where the context otherwise requires—

“the Act” means the Agriculture and Horticulture Act 1964;

“the Commissioners” means the Commissioners of Customs and Excise;

“Customs Tariff” means the Customs Tariff 1959 (as provided under section 1(4) of the Import Duties Act 1958^(b)); and “tariff heading” means a heading of the Customs Tariff;

“delivery of the customs entry” means, in relation to any goods, the delivery of the entry thereof in accordance with section 28 of the Customs and Excise Act 1952^(c);

“minimum import price level” means in relation to imports into the United Kingdom of any specified commodity the minimum import price level which is prescribed therefor by the Ministers, with the approval of the Treasury, by order made under section 1(2), (4) and (6) of the Act and which is for the time being in force;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the Ministers” means the Minister and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly;

^(a) 1964 c. 28.^(b) 6 & 7 Eliz. 2. c. 6.^(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

“produce” and “related product” have the meaning respectively assigned to them by section 1(10) of the Act;

“shipment” includes loading into an aircraft and also includes, in relation to goods imported by land into Northern Ireland, loading on to road or rail transport;

“specified commodity” means any description of produce or related product in relation to which the powers conferred by section 1(2) of the Act are exercisable by virtue of the Price Stability of Imported Products (Specified Commodities) Order 1964(a), being an order made by the Ministers under section 1(1) of the Act.

(2) In the interpretation and application of this order and the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964(b) the expression “denatured” means—

(a) in relation to wheat, wheat flour and wheat meal, treated with any one of the dyes magenta, crystal violet, methyl violet or methylene blue, of a standard in each case equivalent to that in the British Pharmacopoeia 1963, in such a manner that the wheat, wheat flour or wheat meal, as the case may be, shall contain 50 parts of such a dye (\pm 10 per cent.) per million evenly distributed throughout;

(b) as an alternative, in relation to wheat flour and wheat meal, treated with potassium iodate in such a manner that the wheat flour or wheat meal as the case may be, shall contain iodine equivalent to 50 parts of potassium iodate (\pm 10 per cent.) per million evenly distributed throughout;

and “denaturing” shall be construed accordingly.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

PART II—LEVIES

Charging of Levies

3.—(1) With a view to maintaining the minimum import price level for any specified commodity or allowing for the effect for that or other specified commodities of its maintenance there shall be charged for the use of Her Majesty such levy on any specified commodity imported into the United Kingdom as may be determined in accordance with the provisions of this order.

(2) References in this order to any general levy, country levy or consignment levy are references respectively to that kind of levy as hereinafter described.

Kinds of Levy

4.—(1) A general levy or country levy shall be charged on those imports into the United Kingdom of specified commodities for which a rate of general levy or country levy, as the case may be, prescribed by order made by the Minister is for the time being in force.

(2) Notwithstanding any general or country levy, a consignment levy shall be charged on any consignment of a specified commodity imported into the United Kingdom for which a rate of consignment levy prescribed by order made by the Minister is for the time being in force.

(a) S.I. 1964/655 (1964 II, p. 1225). (b) S.I. 1964/687 (1964 II, p. 1305).

Prescribing of Levies

5.—(1) Subject to paragraph (2) of this article, before prescribing the rate of any general or country levy to be charged on any specified commodity imported into the United Kingdom the Minister shall compare the appropriate minimum import price level with prices, assessed on a similar basis to that which applies to the minimum import price level, at which consignments are or might reasonably be available for import into the United Kingdom having regard to prices at which supplies are or have recently been on offer—

- (a) in the case of a general levy, from any country or countries from which it appears likely to the Minister that supplies of the specified commodity might be imported ;
- (b) in the case of a country levy, from the country to which such levy is to relate ;

and the Minister shall take into account any other factors which he considers relevant with a view to maintaining the appropriate minimum import price level or to allowing for the effect for that or other specified commodities of its maintenance.

(2) In the case of any rate of country levy to be charged on any imports into the United Kingdom of any wheat flour (including wholemeal flour) or wheat meal (containing not more than 5 per cent. by weight of fibre at the prescribed standard moisture content of 14 per cent. by weight), excepted in each case from any general levy by article 6(2) of this order, the Minister may prescribe a rate equivalent to the appropriate rate of country levy prescribed, in accordance with the provisions of paragraph (1) of this article, for the description of wheat used, or deemed by the Minister to have been used, in the production of such flour or meal, increased by two-fifths thereof.

(3) The rate of any consignment levy may be prescribed as a rate equal to the amount, assessed by the Commissioners, by which the relevant minimum import price level exceeds the sum of the relevant amount prescribed in paragraph (4) of this article, the amount of any duty chargeable on the goods and the amount of any general or country levy applicable to the goods calculated at the rate in force at the time of the delivery of the customs entry with respect to such goods.

(4) The relevant amount referred to in paragraph (3) of this article is:—

- (a) in the case of goods imported under a contract of sale, the price paid or payable pursuant to the contract, inclusive of the cost of delivery at the port or place of importation ;
- (b) in the case of goods imported otherwise than under a contract of sale, for sale on behalf of a person outside the United Kingdom, the price at which the goods are so sold, diminished by the cost (to the extent that it is included in the price) of any transport or storage of the goods, and any operations carried out on them, after their delivery at the port or place of importation ;
- (c) in the case of other goods, the sum of the price at which the imported goods were last sold before importation or, if the imported goods were not so sold, the price at which the goods from which they were produced were last so sold, and of the cost (to the extent that it is not included in such price) of any transport or storage of the imported goods or the goods from which they were produced, and of any operations carried out on them (with such additions as may appear to the Commissioners to be reasonable in respect of profit), before their delivery at the port or place of importation.

(5) Any imports of a specified commodity may be distinguished for the purposes of any levy referred to in this article by reference to quality, origin or in any way which appears to the Minister to be required.

General Levy

6.—(1) Subject to the provisions of this order, any general levy for the time being in force shall be chargeable on all imports into the United Kingdom of the specified commodity to which it relates.

(2) No general levy shall be chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any of the cases described in Schedule 1 to this order ;

Provided that if at any time it appears to the Minister that imports of a description of wheat which fall within the provisions of paragraph 8 of that Schedule are available for importation into the United Kingdom at a price, assessed on a similar basis to that which applies to the minimum import price level, below the appropriate minimum import price level he may by order prescribe that the rate of general levy for wheat shall apply to imports of those descriptions of wheat covered by the said paragraph 8 as shall be specified in the order and during any such time and to such extent as the rate of general levy so applies the foregoing provisions of this paragraph of this article shall not have effect.

Classification of Certain Goods

7. If in any case any certificate or other information required by the Minister or the Commissioners to be furnished in order to establish the classification and qualification of any goods other than any mixture referred to in article 8 hereof for the charge of any levy or for any exception or relief from such a charge is not so furnished, the Commissioners may charge the highest rate of levy for the time being in force appropriate to whatever class of goods they deem them to be, having regard to such information as is available.

Classification of Certain Cereal Mixtures

8. In the case of any mixture of two or more specified commodities falling within Chapter 10 of the Customs Tariff which would, prima facie, be classifiable under two or more tariff headings and which, in accordance with the interpretative rules as they apply in relation to duties, would fall to be classified under the heading involving the highest rate of duty, that mixture shall be classified for levy purposes under the heading which includes the component specified commodity for which the highest minimum import price level is prescribed or, where that price level is prescribed for more than one component specified commodity, under the heading which includes that one of those component specified commodities which is subject to the highest rate of levy.

PART III—RELIEFS RELATING TO CERTAIN SPECIFIED COMMODITIES IMPORTED UNDER FORWARD CONTRACTS

Granting of Reliefs

9. Where in the case of any specified commodity a minimum import price level is prescribed or any general or country levy is imposed under section 1(2) of the Act, reliefs in respect of the levy, if any, chargeable on any imports of the specified commodity may be granted in such circumstances and subject to such conditions as are provided for in this Part of this order.

Prospective Rates of Levy

10. The Minister may, for the purposes of calculating any such relief, from time to time determine in relation to any imports of any such specified commodity prospective rates of general or country levy related to such periods as are specified in relation thereto ; and any such determination may be varied or withdrawn at any time.

Determining Prospective Rates

11.—(1) In determining any prospective rate of general or country levy in relation to any specified commodity (other than the prospective rate referred to in article 12(6) of this order) for shipment to the United Kingdom during any period, the Minister shall compare the appropriate minimum import price level with prices, assessed on a similar basis to that which applies to the minimum import price level, at which consignments of the specified commodity might reasonably be made available for shipment to the United Kingdom during the period to which the prospective rate of levy relates having regard to prices at which supplies are or have recently been on offer—

(a) in the case of a prospective rate of general levy, from any country or countries from which it appears to the Minister that supplies of the specified commodity may be available for shipment during the relevant period ;

(b) in the case of a prospective rate of country levy, from the country to which such prospective rate is to relate ;

and the Minister shall take into account any other factors which he considers to be relevant with a view to maintaining the appropriate minimum import price level or to allowing for the effect for that or other specified commodities of its maintenance.

(2) Any specified commodity may be distinguished for the purposes of any prospective rate of levy referred to in this article by reference to quality, origin or in any way which appears to the Minister to be required.

Registration of Forward Contracts

12.—(1) Subject to the provisions of this order, a person who contracts for the purchase of any specified commodity for shipment to the United Kingdom at any time during any period or periods for which a prospective rate of levy may be determined may apply for registration of the contract by the Minister and for a certificate (hereinafter called a "certificate of registration") to be issued by him acknowledging such registration and indicating the period during which shipment is to take place and the prospective rate of levy which, at the date of registration, relates to the period during which shipment is to take place.

(2) In any case where a period of shipment so indicated overlaps periods in relation to which different rates of prospective levy are determined, the highest rate shall apply.

(3) Where, in the case of any specified commodity, no rate of country levy is for the time being prescribed but it appears to the Ministers that it is likely, in order to fulfil the objects referred to in article 3 of this order, that such a rate will need to be prescribed, they may make an announcement to that effect and that the announcement shall have effect for the purposes of this article.

(4) Where any such announcement has been made and has effect as aforesaid any person who has previously to such date as is specified for this purpose in the announcement contracted for the purchase of any such

specified commodity to which such a rate of country levy would relate for importation after that date may, in such circumstances and subject to such conditions as are specified in the announcement, make an application in accordance with paragraph (6) of this article.

(5) Any person who has before the date of coming into operation of this Part of this order contracted for the purchase of any specified commodity for importation after that date may, in such circumstances and subject to such conditions as the Ministers announce, make an application in accordance with paragraph (6) of this article.

(6) Any person who, in accordance with paragraph (4) or (5) of this article, may make an application in accordance with this paragraph may apply for the registration of the contract by the Minister and for a certificate of registration to be issued by him acknowledging such registration and indicating the period during which shipment is to take, or took, place and any prospective rate of general or country levy, as the case may be, which the Minister decides is appropriate after making a comparison (where he considers this to be practicable) of the kind described in article 11(1) of this order in relation to the circumstances which would have applied at or about the date of the contract and taking into account any other factors he considers to be relevant with a view to maintaining the appropriate minimum import price level or to allowing for the effect for that or other specified commodities of its maintenance.

Applications for Registration

13.—(1) Any application for registration of a contract, which shall be made to the Minister, shall be made in such form and in accordance with such requirements as the Ministers may from time to time specify; and the applicant shall furnish the Minister with such information as he may require for the purposes of the application.

(2) Except in such circumstances as the Ministers may determine, no application for registration of a contract will be considered—

(a) which is received by the Minister more than 10 days after the date of the contract, unless it is an application made under and in accordance with article 12(4) or (5) of this order;

(b) in any case where the Minister considers that there is no adequate basis for the determination of a prospective rate of levy;

(c) in any case where the Ministers consider it inexpedient or unnecessary that any relief in respect of the levy, if any, be provided for.

Fees and Charges in connection with Reliefs

14. There shall be paid to the Minister in connection with applications made to him with a view to the granting of any relief under section 1(3) of the Act such fees or other charges as the Ministers may from time to time with the approval of the Treasury determine for such applications or any class or description thereof.

Certificates of Registration

15.—(1) Every certificate of registration is and shall remain the property of the Minister and shall be delivered up or produced, as the case may be, forthwith in accordance with any provision of this order, any request made

by or on behalf of the Minister or by or on behalf of the Commissioners and in accordance with any terms or conditions subject to which it was issued or subject to which any relief from levy may be granted.

(2) The Minister may cancel the registration of any contract, and any certificate of registration issued by him, for the purposes of any relief, if after reasonable enquiry he is no longer satisfied that the contract qualifies for registration or that the goods qualify for relief.

(3) If at any time the minimum import price level which applies in respect of imports of any specified commodity is changed the Minister may, having regard to the extent of the change, determine that any prospective rate of levy indicated in any certificate of registration which was issued before the change and indicates a period of shipment the whole or any part of which occurs after the change has become effective shall be adjusted by such an amount as is specified in the determination; and the Commissioners shall have regard to every such determination in the granting of any relief to which it relates.

Amount of Relief

16. Subject to the provisions of this order, where the rate of any general levy or country levy, as the case may be, chargeable on the import into the United Kingdom of any specified commodity is, at the time of delivery of the customs entry relating to any consignment thereof, greater than the prospective rate of levy indicated on a certificate of registration (adjusted where appropriate in accordance with a determination under article 15(3) of this order) which is delivered up to the Commissioners at the time of delivery of the customs entry, or at such other time and subject to such conditions as they may specify, and which the Commissioners are satisfied is valid and relates to goods in that consignment, so much of that consignment as is covered by the certificate may be imported without payment of so much of the rate of general or country levy, as the case may be, as represents the difference between that rate and the prospective rate of levy indicated on the certificate of registration (adjusted as aforesaid).

Conditions and Requirements

17. The Ministers shall in connection with the granting of any reliefs provided for in this Part of this order determine from time to time, with the approval of the Treasury, any conditions and requirements which they consider necessary or expedient in that behalf and the granting of any such relief is conditional upon the provisions of this order relating thereto and such conditions and requirements for the time being in operation being observed and complied with.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 2nd June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 4th June 1964.

Henry Brooke,
Secretary of State for the Home Department.

Approved 4th June 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Article 6(2)

SCHEDULE 1

No general levy is chargeable on any specified commodity imported into the United Kingdom which the Commissioners are satisfied falls within any of the cases described below :—

1. Any specified commodity which, being a cereal in Chapter 10 of the Customs Tariff, has been grown in any of the countries named in Schedule 2 to this order and consigned to the United Kingdom from that country ;
2. Any specified commodity which, being a processed or worked, cereal, or cereal residue, is a product of the milling industry of any of the countries named in the said Schedule 2 and has been consigned from that country to the United Kingdom ;
3. Any specified commodity being (within the meaning of section 12 of the Import Duties Act 1958) goods of any country named in the said Schedule 2 which is part of the area referred to in the said Act as the Commonwealth preference area and being goods which are consigned from that country to the United Kingdom ;
4. Any wheat which is the subject of a grading certificate issued by the Board of Grain Commissioners of the Canadian Department of Agriculture and which is consigned from Canada to the United Kingdom ;
5. Any wheat which is the subject of a declaration of origin given by the Australian Wheat Board or a phytosanitary certificate issued by the Australian Department of Primary Industry and which is consigned from Australia to the United Kingdom ;
6. Any specified commodity falling within Chapter 10 of the Customs Tariff which is the subject of a grading certificate issued by an inspection agency under United States of America federal licence and supervision and which is consigned from the United States of America to the United Kingdom ;
7. Any specified commodity falling within the said Chapter 10 which is the subject of a grading certificate issued by the Junta Nacional de Granos of Argentina and which is consigned from Argentina to the United Kingdom ;
8. Any wheat which—
 - (a) has been consigned from Canada or the United States of America to Amsterdam, Antwerp, Hamburg or Rotterdam ; and
 - (b) is the subject of a grading certificate issued by the Board of Grain Commissioners of the Canadian Department of Agriculture or by an inspection agency under United States of America federal licence and supervision ; and

- (c) has been segregated while in Amsterdam, Antwerp, Hamburg or Rotterdam from wheat of any other grade and from wheat consigned to that port from any country other than the country which issued the relevant certificate referred to in sub-paragraph (b) above ; and
- (d) has been subjected while in Amsterdam, Antwerp, Hamburg or Rotterdam to no process other than denaturing or than the handling necessary for transshipment, or for unshipment and reshipment and any intervening storage ; and
- (e) has remained in Amsterdam, Antwerp, Hamburg or Rotterdam until consignment therefrom to the United Kingdom.

Schedule I

SCHEDULE 2

Canada.

Commonwealth of Australia.

Argentine Republic.

United States of America.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order comes into operation by stages and provides in Part II thereof, which comes into operation on the 1st July 1964, for the charging of levies on imports of those cereals, cereal products and by-products which are specified commodities for the purposes of section 1 of the Agriculture and Horticulture Act 1964. Such levies may be charged in support of the minimum import prices already prescribed under that same section. Three kinds of levy are referred to—general levy, country levy and consignment levy—and criteria for prescribing the rate for each kind of levy are specified.

The general levy will be chargeable on all imports of any specified commodity other than those which are specifically exempt as falling within any of the cases described in Schedule I. These provide exemption from general levy for imports from a co-operating country and for imports of Canadian and United States wheat which has been transhipped via certain named European ports.

Part III of the order, which comes into operation on the 9th June 1964, provides for the granting, in the circumstances and subject to the conditions provided for, of certain reliefs from levy on imports made pursuant to forward contracts which have been registered with the Minister of Agriculture, Fisheries and Food. The order provides for the amount of relief to be the amount, if any, by which the actual rate of levy chargeable on importation exceeds a prospective rate determined by the Minister in accordance with criteria specified in the order. The prospective rate will be indicated on the certificate of registration issued by the Minister when the contract is registered.

The definition of "denatured", in relation to wheat, wheat flour and wheat meal, which is included in article 2(2) of this order, applies also for the purposes of the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964 (S.I. 1964/687).

 STATUTORY INSTRUMENTS

1964 No. 810

AGRICULTURE

The Price Stability of Imported Products (Minimum Import Price Levels) (Operative Date) Order 1964

<i>Made - - - -</i>	<i>4th June 1964</i>
<i>Laid before Parliament</i>	<i>8th June 1964</i>
<i>Coming into Operation</i>	<i>1st July 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (4) and (6) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order :—

1. This order may be cited as the Price Stability of Imported Products (Minimum Import Price Levels) (Operative Date) Order 1964; and shall come into operation on 1st July 1964.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. The minimum price levels prescribed by the Price Stability of Imported Products (Minimum Import Price Levels) Order 1964(c) for the imports into the United Kingdom of specified commodities therein described shall have effect on and after 1st July 1964.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 2nd June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 4th June 1964.

Henry Brooke,
Secretary of State for the Home
Department.

Approved
4th June 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

The Price Stability of Imported Products (Minimum Import Price Levels) Order 1964 (S.I. 1964/687) prescribed minimum price levels for imports into the United Kingdom of the cereals, cereal products and by-products described in the Schedule to that order and provided for those price levels to come into effect on and after dates to be determined by order. This order provides that all those price levels shall have effect on and after 1st July 1964.

1964 No. 814

AGRICULTURE

**The Price Stabilisation Levies (Supplementary Provisions)
Regulations 1964**

<i>Made - - - - -</i>	<i>5th June 1964</i>
<i>Laid before Parliament</i>	<i>9th June 1964</i>
<i>Coming into Operation</i>	<i>1st July 1964</i>

The Commissioners of Customs and Excise, by virtue of the powers conferred upon them by section 1(9) of and paragraph 1(4) of the Schedule to the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. The general provisions of the Customs and Excise Act 1952(b) (hereafter called “the principal Act”) as applied to price stabilisation levies by section 1(9) of and paragraph 1(1) of the Schedule to the Agriculture and Horticulture Act 1964 shall be adapted with reference to imported specified commodities chargeable with any such levy (hereafter called “leviable commodities”) in accordance with Regulations 2, 3 and 4 hereof.

2. In the case of leviable commodities, whether liable to a duty of customs or not, the principal Act shall have effect in relation to the levy as if—

(a) In paragraph (ii) of the proviso to section 28(2) for the words “goods of any class or description specified in the direction” there were substituted the words “specified commodities imported for home use”;

(b) In section 80(1)(b) the words “being goods not eligible for home use” were omitted;

(c) To section 86 there were added the following subsection:—

“(6) Where it is proved to the satisfaction of the Commissioners that the exportation or use as stores of any goods entered for warehousing for either of those purposes is impracticable, if they think fit and subject to such conditions as they see fit to impose, they may allow the goods to be delivered from warehouse for home use.”

3. In the case of leviable commodities liable to any duty of customs which are not entered for warehousing either for exportation or for use as stores by virtue of the foregoing Regulation, the principal Act shall have effect in relation to the levy as if, in addition to the adaptations made by Regulation 2,—

(a) In section 34(2)(a) the words “except where the entry or, in the case of an entry by bill of sight, the perfect entry is for warehousing” were omitted;

(b) Section 34(2)(b) were omitted;

(c) Section 38 were omitted;

(d) Section 88(1) were omitted.

4. In the case of leviable commodities entered for warehousing for exportation or use as stores which are allowed to be delivered from warehouse for home use in accordance with the provisions of Regulation 2(c) or of specified commodities on which a levy becomes chargeable after they have been entered for warehousing, section 88(1) shall apply as if for the words " of the removal of the goods from warehouse " were substituted the words " when the entry for warehousing is delivered ".

5. In these Regulations " specified commodities " means commodities specified for the purposes of section 1(1) of the Agriculture and Horticulture Act 1964.

6.—(1) These Regulations may be cited as the Price Stabilisation Levies (Supplementary Provisions) Regulations 1964.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) These Regulations shall come into force on 1st July 1964.

A. D. Owen,

Commissioner of Customs and Excise.

5th June 1964.

EXPLANATORY NOTE

(This Note does not form part of the Regulations, but is intended to indicate their general purport.)

These Regulations, by adapting the Customs and Excise Act 1952, limit the powers of the Commissioners of Customs and Excise to the approving of warehouses for the deposit without payment of price stabilisation levy of " specified commodities ", as defined in section 1(1) of the Agriculture and Horticulture Act 1964 which are subject to such levy, for exportation and use as ships' stores only and not for home consumption.

The Regulations further ensure that, in the case of such commodities as are liable to a duty of customs as well as to levy, the levy shall be paid before the goods are warehoused if they are intended for home consumption.

(a) 52 & 53 Vict. c. 63.

1964 No. 815

WAGES COUNCILS

**The Wages Regulation (Retail Bespoke Tailoring) (Scotland)
Order 1964**

Made 4th June 1964
Coming into Operation 24th June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bespoke Tailoring Wages Council (Scotland) (hereafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 24th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1961(c) and the Wages Regulation (Retail Bespoke Tailoring) (Scotland) (Amendment) Order 1962(d), shall cease to have effect.

Dated 4th June 1964.

Joseph Godber,
Minister of Labour.

ARRANGEMENT OF SCHEDULE

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(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/672 (1961 I, p. 1419).

(d) S.I. 1962/2504 (1962 III, p. 3379).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1961(a) (Order R.B.S. (55)) as amended by the Wages Regulation (Retail Bespoke Tailoring) (Scotland) (Amendment) Order 1962(b) (Order R.B.S. (57)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—

- (a) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ;
- (b) in the case of a worker employed on piece work,
- (i) where a general minimum piece rate applies under Part III of this Schedule, that rate ;
- (ii) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to a worker of ordinary skill and efficiency of the same class, at least the same amount of money as the piece work basis time rate applicable to the worker or, where no piece work basis time rate is applicable, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker.

(2) In this Schedule, in relation to a worker to whom a weekly general minimum time rate applies, the expression "hourly general minimum time rate" means the weekly general minimum time rate applicable to the worker divided by 42.

PART II

GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

WORKERS WITH FIVE YEARS' EMPLOYMENT IN THE TRADE

2. The general minimum time rates and piece work basis time rates applicable to the workers specified in Column 1 of the following Table (being workers who have had at least five years' employment in the trade) who are employed in Area A or Area B are the rates set out in Column 2 and Column 3 respectively:—

Column 1 Workers	Column 2		Column 3	
	General Minimum Time Rates Per Hour		Piece Work Basis Time Rates Per Hour	
	Area A	Area B	Area A	Area B
	s. d.	s. d.	s. d.	s. d.
(a) Journeymen	4 4½	4 3½	4 6½	4 5
(b) Female Workers	3 4	3 3	3 5½	3 4½

(a) S.I. 1961/672 (1961 I, p. 1419).

(b) S.I. 1962/2504 (1962 III, p. 3379).

LEARNERS AND IMPROVERS

3.—(1) The general minimum time rates applicable to male and female learners or improvers who are employed in Area A or Area B during the periods of employment specified in Column 2 of the following Table are the rates specified in Column 3:—

Column 1	Column 2	Column 3	
		General Minimum Time Rates Per Week	
		Area A	Area B
Workers	Period of Employment	s. d.	s. d.
(a) Male learners ...	1st year of employment as learner	51 9	50 3
	2nd " " " "	65 6	64 3
	3rd " " " "	92 0	89 6
(b) Male improvers	1st year of employment as improver	116 0	111 6
	2nd " " " "	150 9	144 9
(c) Female learners	1st year of employment as learner	53 3	51 3
	2nd " " " "	64 9	63 6
	3rd " " " "	86 9	83 3
(d) Female improvers	1st year of employment as improver	103 3	98 0
	2nd " " " "	124 0	118 0

(2) For the purpose of ascertaining the rate applicable to a worker under the provisions of this paragraph, any period during which the worker was employed in the trade otherwise than as a learner or as an improver shall be treated as a like period of employment as a learner or as an improver as the case may be.

MALE OR FEMALE WORKERS (NOT BEING LEARNERS OR IMPROVERS) WHO ENTER THE TRADE UNDER THE AGE OF 19 YEARS, DURING THEIR FIRST FIVE YEARS' EMPLOYMENT

4. The general minimum time rates applicable during his first five years' employment in the trade to a worker (not being a learner or an improver) who enters, or has entered, the trade under the age of 19 years shall be the rate which would be applicable under paragraph 3 if he were a learner or an improver increased by 5s. weekly.

PROSPECTIVE LEARNERS

5. Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective learner for a probationary period not exceeding three months, and all the provisions of paragraph 14 as to learners (other than those with regard to certification by the Wages Council) are fulfilled, the minimum remuneration applicable to that worker during the said period shall be that applicable to a learner, and in the event of the worker being continued thereafter at his employment as a learner or improver, the said probationary period shall, for the purposes of this Schedule, be treated as part of the period of employment as a learner or improver.

PART III

GENERAL MINIMUM PIECE RATES

6. Subject to the provisions of paragraph 7, the general minimum piece rates applicable to the workers specified in Column 1 of the following Table who are employed in Area A or Area B for the work specified in the Piece Work Time Statement contained in the Second Schedule to the Minister of Labour's Order R.B.S. (13) dated 15th January 1936 (hereinafter referred to

as the "Piece Work Time Statement") are the rates ascertained by applying to the times set out in the Piece Work Time Statement the appropriate time rates per hour set out in Column 2 of the said Table:—

Column 1 Workers	Column 2 Time Rates Per Hour	
	Area A	Area B
	s. d.	s. d.
(a) MALE WORKERS working alone or with the assistance of other male workers (but excluding male workers working with the assistance only of one or more workers with less than five years' experience in the trade after the age of 15 years or with only female workers other than a female machinist where machining is supplied by the employer)	4 8½	4 3½
(b) FEMALE WORKERS working alone or with the assistance of other female workers	4 0½	3 8

7. The general minimum piece rates specified in paragraph 6 shall be increased or reduced to the extent shown in (1) or (2) below:—

(1) in the case of all garments other than those specified at (2) of this paragraph:—

- (a) where the garment is made of **FIRST CLASS MATERIAL** 20 per cent. addition
- (b) where the garment is made of **SECOND CLASS MATERIAL** ... 10 per cent. addition
- (c) where the garment is made of **THIRD CLASS MATERIAL** No addition or reduction
- (d) in the case of **ALTERATIONS AND REPAIR WORK** No addition or reduction

(2) in the case of the following garments:—

Garment	Material	Addition or Reduction
Dress garments other than white cotton		
dress vest	Any material	20 per cent. addition
White cotton dress vest	White cotton	No addition or reduction
Frock coat other than clerical or hunt	Any material	20 per cent. addition
Clerical frock coat	Second class	10 per cent. addition
" " "	Third class	No addition or reduction
Hunt frock coat	First class	20 per cent. addition
" " "	Second class	10 per cent. addition
" " "	Third class	No addition or reduction
Service jacket (blue or khaki)	(a) Cheviot or rough serge	(a) 10 per cent. reduction
Blue patrol jacket	(b) Any other material	(b) No addition or reduction
Mess trews	Any material	20 per cent. addition
" overalls		
Khaki greatcoat		
Pea jacket or British warm		
Parade trews	First class	20 per cent. addition
Parade overalls	Second class	10 per cent. addition
Slacks	Third class	No addition or reduction
All other uniform garments	Any material	No addition or reduction
Kilt	Any material	No addition or reduction
Liveries and servants' garments	First class	10 per cent. addition
" " " "	Second class	5 per cent. addition
" " " "	Third class	No addition or reduction

CLASSIFICATION OF MATERIALS

8. For the purposes of paragraph 7, first, second and third class materials are as follows:—

FIRST CLASS MATERIALS

Beavers	Serges (if very fine)
Bedford cords	Silks
Doeskin and superfine cloths	Velvets
Furs	Velveteens
Meltons (if treble milled)	Venetians
Plush	Vestings (if faced heavy hunting or if knitted)
Refines	Whipcords (if double milled)
Satins	

SECOND CLASS MATERIALS

Covert coatings	Tweeds (if heavy milled West of England or heavy milled Chipping Norton)
Meltons (if not treble milled)	Vestings (if fancy)
Naps and Witneys	Vicunas, llamas and fancy coatings
Pilots	Whipcords (if not double milled)
Serges (if worsted or botany)	Worsteds

THIRD CLASS MATERIALS

All other materials.

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES—TIME WORKERS

9. Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a time worker as follows:—

- (1) On any day other than the weekly short day, Sunday or a customary holiday—

- (a) for the first 2 hours worked in excess of 8½ hours time-and-a-quarter
 (b) thereafter time-and-a-half

Provided that where the employer normally requires the worker's attendance on 5 days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 hours' and 11 hours' work respectively.

- (2) On the weekly short day, not being a customary holiday—
 for all time worked in excess of 4 hours ... time-and-a-half
- (3) On a Sunday, or on a customary holiday to which the worker is not entitled under a wages regulation order—
 for all time worked double time

- (4) On a customary holiday to which the worker is entitled under a wages regulation order and on which he is required by the employer to work the worker shall be paid in respect of such work the minimum remuneration which would be payable if that day were not a customary holiday to which he was so entitled
- (5) In any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—

for all time worked in excess of 42 hours ... time-and-a-quarter

Provided that where the employer normally requires the worker's attendance on Saturday in alternate weeks only, the said weekly overtime rate shall be payable in the week in which attendance on Saturday is required after 44 hours' work (exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph).

MINIMUM OVERTIME RATES—PIECE WORKERS

10. Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker employed on piece work as follows :—

- (1) On the weekly short day, not being a customary holiday—

for all time worked in excess of 4 hours ... time-and-a-half

- (2) On a Sunday, or on a customary holiday to which the worker is not entitled under a wages regulation order—

for all time worked ... double time

- (3) On a customary holiday to which the worker is entitled under a wages regulation order and on which he is required by the employer to work the worker shall be paid in respect of such work the minimum remuneration which would be payable if that day were not a customary holiday to which he was so entitled

- (4) In any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph :—

- (a) where the provisions of (b) of this subparagraph do not apply :—

(i) for the first 2 hours worked in excess of 42 hours ... time-and-a-quarter

(ii) thereafter ... time-and-a-half

- (b) where the employer normally requires the worker's attendance on Saturday in alternate weeks only :—

(i) in the week in which attendance on Saturday is required—

for the first 2 hours worked in excess of 44 hours ... time-and-a-quarter

thereafter ... time-and-a-half

(ii) in the week in which attendance on Saturday is not required—

for the first 3 hours worked in excess of 40 hours ... time-and-a-quarter

thereafter ... time-and-a-half

11. Where the employer normally requires the worker's attendance on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where in the case of a woman or young person such attendance on Sunday is unlawful), Saturday shall be treated as a Sunday and Sunday as a Saturday.

DEFINITIONS

12. In this Part of this Schedule:—

- (1) the expression "customary holiday" means:—

(a) New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday); the local Spring holiday; the local Autumn holiday; and three other days (being days on which the worker normally works) in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday; or

(b) in the case of each of the said days, a day substituted by the employer therefor being a day recognised by local custom as a day of holiday in substitution for the said day;

- (2) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively:—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker;

(b) in the case where a general minimum piece rate otherwise applies to a worker employed on piece work:—

(i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker or, where no piece work basis time rate is so applicable, of the hourly general minimum time rate which would be applicable if the worker were a time worker and a minimum overtime rate did not apply and, in addition thereto,

(ii) the said general minimum piece rate;

(c) in the case where a general minimum piece rate does not otherwise apply to a worker employed on piece work:—

(i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker or, where no piece work basis time rate is otherwise applicable, of the hourly general minimum time rate which would be applicable if the worker were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the piece rates otherwise applicable under paragraph 1(1)(b);

- (3) "the weekly short day" means Saturday or (except where in the case of a woman or young person such substitution is unlawful) any other week day substituted therefor by agreement between the employer and the worker.

WAITING TIME

- 13.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—

(a) without the employer's consent, express or implied,

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform,

(c) by reason only of the fact that he is resident thereon.

- (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged in piece work, is that which would be applicable if he were a time worker.

PART V INTERPRETATION

14. In this Schedule, unless the context otherwise requires:—

- (1) "journeyman" means a male worker who has worked in the trade for not less than five years (whether as an apprentice, a learner or otherwise);
- (2) "improver" means a learner who has worked for not less than three years as a learner in the trade;
- (3) "learner" means a male or female worker who—
 - (a) enters or has entered the trade before the age of 19 years;
 - (b) is employed, during the whole or the greater part of his time in learning either the women's (including girls') or the men's (including boys') branch of the trade, by an employer who provides the learner with reasonable facilities for such learning;
 - (c) does not work in a room used for dwelling purposes, except where he is in the employment of his parent or guardian; and
 - (d) holds a certificate of registration of learnership issued by the Wages Council or has made an application for such a certificate which has been duly acknowledged and is still under consideration:

Provided that—

 - (i) a certificate may be cancelled by the Wages Council if the other conditions of learnership are not complied with;
 - (ii) a worker shall cease to be a learner after he has worked five years in the trade.
- (4) "the trade" means the Retail Bespoke Tailoring Trade specified in the definition contained in paragraph 16 but excluding therefrom the operations specified in (a) of sub-paragraph (2) of that paragraph.

DEFINITION OF AREAS

15. For the purposes of this Schedule—

- (1) Area A comprises the civil parish of Cambuslang, as defined for the purposes of the 1951 Census of Scotland, and the following burgh areas (defined as aforesaid):—

Aberdeen	Dundee	Kirkintilloch
Airdrie	Dunfermline	Motherwell and
Alloa	Edinburgh	Wishaw
Arbroath	Falkirk	Musselburgh
Ardrossan	Glasgow	Paisley
Ayr	Grangemouth	Perth
Barrhead	Greenock	Peterhead
Buckhaven and	Hamilton	Port Glasgow
Methil	Hawick	Renfrew
Clydebank	Inverness	Rutherglen
Coatbridge	Irvine	Saltcoats
Cowdenbeath	Johnstone	Stirling
Dumbarton	Kilmarnock	Tron
Dumfries	Kirkcaldy	

- (2) Area B comprises the remainder of Scotland.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

16.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, this Schedule applies to workers in relation to whom the Retail Bespoke Tailoring Wages Council (Scotland) operates, that is to say, workers employed in Scotland in any of the branches of work in the retail bespoke tailoring trade, as specified in the Schedule to the Trade Boards (Retail Bespoke Tailoring Trade, Scotland) (Constitution and Proceedings) Regulations 1924(a), which are set out below, that is to say:—

Those branches of men's, women's, boys' and girls' bespoke tailoring in which the tailor supplies the garment direct to the individual wearer and employs the worker direct.

A worker shall be deemed to be employed by the tailor direct, if employed by another worker in the employ of the tailor, to whom a minimum rate of wages fixed under the Wages Councils Act 1959, is applicable; or if employed by a sub-contractor engaged in cutting, making or finishing garments exclusively for the tailor in the tailor's shop or in a building of which the shop forms part or to which the shop is attached; including:—

- (a) (i) The altering, repairing, renovating, or remaking of men's, women's, boys' or girls' tailored garments where carried out for the individual wearer by a tailor who employs the worker direct as defined above;
- (ii) The cleaning of such garments where carried on in association with or in conjunction with the repairing, renovating or remaking of the garments;
- (b) The lining with fur of the above-mentioned garments where carried out in association with or in conjunction with the making of such garments;
- (c) All processes of embroidery or decorative needlework where carried out in association with or in conjunction with the above-mentioned branches of tailoring;

but excluding:—

- (a) All or any of the above-mentioned operations where carried on in a factory where garments are made up for three or more retail establishments;
- (b) The making of head-gear.

(2) This Schedule does not apply to workers employed—

- (a) in the operations referred to in Inclusion (4) of the Schedule to the aforesaid Regulations, that is to say, "packing and all other operations incidental to or appertaining to any of the above-mentioned branches of tailoring," or
- (b) by an employer during the period of training under a Government Vocational Training Scheme, in respect of which the worker is in receipt of a maintenance allowance.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 24th June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Retail Bespoke Tailoring) (Scotland) Order 1961 (Order R.B.S. (55)) as amended by the Wages Regulation (Retail Bespoke Tailoring) (Scotland) (Amendment) Order 1962 (Order R.B.S. (57)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 816 (S. 52)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Alteration of Court of Session Fees) 1964

Made - - - - - 3rd June 1964
 Coming into Operation 1st July 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. In undefended consistorial actions in which the pursuer, having a finding for expenses, has been throughout the whole of the proceedings an Assisted Person under the Legal Aid (Scotland) Act 1949(b), the pursuer's solicitor may in his option either—

- (a) elect to charge an inclusive charge to cover all work from taking instructions up to and including obtaining extract decree with in addition a charge for outlays as hereinafter provided.

Provided that such inclusive charge shall be—

- (i) where only an Edinburgh solicitor is engaged in the case—£40 or
 (ii) where the Legal Aid Certificate shows that both an Edinburgh solicitor and a solicitor outside Edinburgh are engaged in the case or where an official on behalf of the Legal Aid Supreme Court Committee of the Law Society so certifies—£52 10s.

In addition to the said inclusive charge a sum up to £26 5s. shall be allowed as outlays where a Certificate by the Auditor of Court is lodged certifying the outlays which have been incurred, and the Court shall grant decree accordingly. And if outlays in excess of £26 5s. are claimed an account for the said outlays shall be remitted to the Auditor of Court for taxation.

This option shall be exercised by the pursuer's solicitor enrolling a motion for decree for either the appropriate inclusive charge and for a sum for outlays as shown in the said Certificate not exceeding £26 5s. or a motion for the appropriate inclusive charge and an order remitting the account of outlays to the Auditor of Court for taxation.

or

- (b) move the Court for a finding for expenses, and for a remit to the Auditor of Court for taxation in common form.

Provided that percentage increases shall not apply to the sum or inclusive charges prescribed in option (a) of this paragraph.

2. The Act of Sederunt (Alteration of Court of Session Fees) 1961(c) is hereby repealed.

(a) 23 & 24 Geo. 5. c. 41.

(b) 12, 13 & 14 Geo. 6. c. 63.

(c) S.I. 1961/548 (1961 I, p. 1214).

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Court of Session Fees) 1964, and shall come into operation on 1st July 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
3rd June 1964.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt repeals and re-enacts with an increase in fees and outlays the provisions of the Act of Sederunt (Alteration of Court of Session Fees) 1961, for the charging of inclusive fees and outlays by solicitors acting for Assisted Persons under the Legal Aid (Scotland) Act 1949, in undefended consistorial actions.

1964 No. 817 (S. 53)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Building Appeals) 1964

Made 3rd June 1964

Coming into Operation 15th June 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Building (Scotland) Act 1959(a), do hereby enact and declare as follows:—

1. Appeals to the Sheriff under section 16 of the Building (Scotland) Act 1959 shall be by initial writ under the Sheriff Courts (Scotland) Acts 1907(b) and 1913(c), and shall be disposed of as summary applications as defined in the Sheriff Courts (Scotland) Acts.

2. The Sheriff may, before considering any such appeal, require the appellant to deposit in Court such sum not exceeding £20 sterling as shall seem proper, to cover the expenses of the appeal.

3.—(1) In any such application as is referred to in paragraph 1 hereof the Sheriff may, either *ex proprio motu* or on the motion of either party, nominate a technical assessor to sit with him at the hearing of the application.

(2) The remuneration (if any) to be paid to an assessor nominated under this section shall be determined by the Auditor and shall be paid as part of the expenses of the application.

4. In any such application as is referred to in paragraph 1 hereof the Sheriff may find either party liable in expenses.

5. This Act of Sederunt may be cited as the Act of Sederunt (Building Appeals) 1964, and shall come into operation on 15th June 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
3rd June 1964.

 EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt regulates the procedure on appeals to the Sheriff by persons aggrieved by such a decision of or order by a buildings authority as is referred to in section 16 of the Building (Scotland) Act 1959.

 (a) 7 & 8 Eliz. 2. c. 24.

(b) 7 Edw. 7. c. 51.

(c) 2 & 3 Geo. 5. c. 28.

1964 No. 823 (S. 54)

EDUCATION, SCOTLAND

**The Teachers' Salaries (Scotland) Provisional
Regulations 1964**

<i>Made - - - -</i>	<i>2nd June 1964</i>
<i>Laid before Parliament</i>	<i>15th June 1964</i>
<i>Coming into Operation</i>	<i>16th June 1964</i>

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- Schedule 5. Assessment of volume and level of work of further education centres
- Schedule 6. Salary scales for principals and depute principals of further education centres
- Schedule 7. Salary scales for heads of departments, senior assistant teachers and assistant teachers employed in further education centres
- Schedule 8. Additions to salary scales of heads of departments and senior assistant teachers in respect of special responsibility in further education centres
- Schedule 9. Regulations revoked

REGULATIONS

In exercise of the powers conferred upon me by section 83 of the Education (Scotland) Act 1962(a) and of all other powers enabling me in that behalf, I hereby make the following regulations: and I certify under section 144(3) of the said Act, that on account of urgency the said regulations ought to come into immediate operation and I accordingly make them as provisional regulations:—

PART I

INTRODUCTION AND INTERPRETATION

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Salaries (Scotland) Provisional Regulations 1964.

(2) These regulations shall come into operation on 16th June 1964 and shall remain in force until and including 31st March 1966.

General definitions

2.—(1) In these regulations unless the context otherwise requires—

- (a) "Act of 1946" means the Education (Scotland) Act 1946(b), "Act of 1962" means the Education (Scotland) Act 1962 and "Act of 1963" means the Education (Scotland) Act 1963(c);
- (b) "Approved" means approved by the Secretary of State for the purposes of these regulations;
- (c) "Associateship of the Royal College of Science and Technology, Glasgow" includes the Associateship of the Royal Technical College, Glasgow;
- (d) "Code" means the Schools (Scotland) Code 1956(d);
- (e) "College of Education" means a college administered by a governing body constituted by the Teachers (Training Authorities) (Scotland) Regulations 1958(e), and includes a training centre or training college;
- (f) "Continuation class" means a class conducted under the Code of Regulations for Continuation Classes in Scotland of 1901 to 1915, 1926(f), or 1936(g), or the Adult Education (Scotland) Regulations 1934(h), or the Adult Education (Scotland) (Residential Institutions) Regulations 1936(i), or the Adult Education (Scotland) (Residential Institutions) Regulations Minute 1938(j), or the Adult Education (Scotland) (Residential Institutions) Grant Regulations 1951(k);
- (g) "Further education centre" has the meaning ascribed to it in the Further Education (Scotland) Regulations 1959(l), but includes only centres under the management of an education authority and centres in respect of which grants are made by the Secretary of State to the managers other than grants in aid of the managers' contributions under Part IV of the Act of 1962;

(a) 10 & 11 Eliz. 2. c. 47.

(c) 1963 c. 21.

(e) S.I. 1958/1634 (1958 I, p. 1025).

(g) S.R. & O. 1936/791 (Rev. VI, p. 627; 1936 I, p. 911).

(h) S.R. & O. 1934/1343 (Rev. VI, p. 617; 1934 I, p. 549).

(i) S.R. & O. 1936/1292 (1936 I, p. 908).

(j) S.R. & O. 1938/811 (Rev. VI, p. 621; 1938 I, p. 1188).

(k) S.I. 1951/740 (1951 I, p. 605).

(b) 9 & 10 Geo. 6. c. 72.

(d) S.I. 1956/894 (1956 I, p. 735).

(f) S.R. & O. 1925/1366 (1925, p. 313).

(l) S.I. 1959/477 (1959 I, p. 1068).

- (h) "Permanent staff" means staff employed whole-time for the period between the commencement and the termination of employment under a contract which provides expressly or by implication for employment on each day upon which a school or further education centre in which the teacher is employed is open and for the termination of the employment on not less than one month's notice ;
- (i) "Primary school" means a school shown in a scheme approved in terms of sections 7 and 70 of the Act of 1962 as making provision for primary education and includes the primary department of a secondary school ;
- (j) "Regulations of 1945", "Regulations of 1948", "Regulations of 1951", "Regulations of 1954", "Regulations of 1955", "Regulations of 1956", "Regulations of 1959" and "Regulations of 1963" mean respectively the Teachers' Salaries (Scotland) Regulations 1945(a), the Teachers' Salaries (Scotland) Regulations 1948(b), the Teachers' Salaries (Scotland) Regulations 1951(c), the Teachers' Salaries (Scotland) Regulations 1954(d), the Teachers' Salaries (Scotland) (Amendment No. 1) Regulations 1955(e), the Teachers' Salaries (Scotland) Regulations 1956(f), the Teachers' Salaries (Scotland) Regulations 1959(g) and the Teachers' Salaries (Scotland) Regulations 1963(h), and "Regulations of 1945 to 1963" means the Regulations of 1945, the Regulations of 1948, the Regulations of 1951, the Regulations of 1954 (including the Regulations of 1955), the Regulations of 1956, the Regulations of 1959 and the Regulations of 1963 or any one or more of them, including any regulations amending the said Regulations, as the context may require ;
- (k) "Salary" means the aggregate of the emoluments, whether in money or in kind, receivable by a teacher from an education authority but does not include:—
- (i) any emoluments receivable in respect of employment that is additional to whole-time employment ; or
 - (ii) any emoluments receivable from an educational endowment ; or
 - (iii) any additional allowance paid to a teacher serving furth of Scotland under an approved scheme of interchange ; or
 - (iv) any special allowance paid to a teacher by the Secretary of State under the Teachers (Special Allowances) (Scotland) Provisional Regulations 1959(i) ;
- (l) "Salary year" means a period beginning on 1st April in one year and ending on 31st March in the following year ;
- (m) "Scottish Joint Council" means the Scottish Joint Council for Teachers' Salaries constituted by the Secretary of State in terms of section 83(4) of the Act of 1962 ;
- (n) "Secondary school" means a school shown in a scheme approved in terms of sections 7 and 70 of the Act of 1962 as making provision for secondary education ;
- (o) "Service" means the employments, services and occupations mentioned in Part II of these regulations ;
- (p) "Service year" means a continuous period or a succession of separate periods of service extending to three hundred and sixty-five days

(a) S.R. & O. 1945/1545 (Rev. VI, p. 784: 1945 I, p. 359).

(b) S.I. 1948/611 (Rev. VI, p. 798: 1948 I, p. 822).

(c) S.I. 1951/460 (1951 I, p. 612).

(d) S.I. 1954/403 (1954 I, p. 765).

(e) S.I. 1955/458 (1955 I, p. 742).

(f) S.I. 1956/1656 (1956 I, p. 768).

(g) S.I. 1959/2150 (1959 I, p. 1115).

(h) S.I. 1963/1525 (1963 III, p. 2810).

(i) S.I. 1959/1270 (1959 I, p. 1108).

(excluding 29th February) of whole-time employment, the first service year of a teacher beginning on the first day of his service and each subsequent service year beginning on the day of service following that on which the preceding service year was completed ;

- (g) "Special School" means a school approved by the Secretary of State under section 5(1) of the Act of 1962 and includes special classes forming part of a primary school or a secondary school, a child guidance clinic and an occupational centre ;
- (r) "Teacher" means a person who is or has been employed in a teaching capacity or in any other capacity with regard to which provision is made in these regulations ; and "certificated teacher" means any such teacher who holds or who is deemed to hold a certificate of competency issued in accordance with regulations made under section 81(2) of the Act of 1962 or continued in force by section 147 of the Act of 1962 ;
- (s) "Temporary staff" means staff other than permanent staff ; and
- (t) "Training Regulations" means the Regulations for the Preliminary Education, Training, and Certification of Teachers for Various Grades of Schools (Scotland) 1931(a).

(2) References in these regulations to teachers' certificates and to endorsements thereon shall, unless the context otherwise requires, be construed as references to the certificates and endorsements, whether probationary or final, for which provision is made in the Training Regulations or in earlier regulations relating to the certification of teachers made under the Education (Scotland) Acts 1872 to 1945(b) :

Provided that "Teacher's Technical Certificate"

(i) shall not include the said Certificate when awarded under paragraph (bb), or paragraph (c) read in relation to the said paragraph (bb), of Article 47 of the Training Regulations unless the context otherwise requires, and

(ii) shall include, and "Teacher's Special Certificate" shall not include, the Special Certificate awarded under Chapter VI of the Regulations for the Training of Teachers, 1906 to 1920.

(3) References in these regulations to a regulation or to a schedule shall, unless the context otherwise requires, be construed as references to a regulation of these regulations or to a schedule annexed to these regulations, as the case may be.

(4) In these regulations each line in any scale in Part II of Schedule 2 or in Schedule 8 to these regulations and in any similar scale in the Regulations of 1945 to 1963 is referred to as a grade on that scale and a grade is higher or lower than another grade in the same or in a comparable scale if it relates to larger or smaller average numbers of pupils in attendance, or to larger or smaller index figures, than the said other grade.

Interpretation

3.—(1) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, references to any Act, regulations or rules shall be construed as references to the said Act, regulations or rules as amended by any subsequent Act, regulations or rules or to any Act, regulations or rules in which the said Act, regulations or rules are consolidated.

(a) S.R. & O. 1931/180 (Rev. VI, p. 758: 1931, p. 363). (b) See 8 & 9 Geo. 6. c. 37, s. 89 (c) 52 & 53 Vict. c. 63.

PART II

RECKONING OF SERVICE FOR SALARY PURPOSES

Employments to be reckoned as service

4. In the calculation of the length of service of a teacher to the calculation of whose salary Part III of these regulations applies or of a teacher (not being a principal or depute principal) to the calculation of whose salary Part IV of these regulations applies, the aggregate of the periods or parts of periods spent by him, after attaining the age of 18 years, in any of the following employments, services and occupations shall be taken into account to the extent hereinafter prescribed:—

(1) the whole of any period spent in whole-time paid employment as a teacher—

- (a) in a day school as defined in section 34 of the Education (Scotland) Act 1908(a), or in a public school or a grant-aided school ;
 - (b) in a side school within the meaning of Article 19 of the Schedule to the Day Schools (Scotland) Code Minute 1939(b), or of corresponding articles of earlier codes and regulations for day schools in Scotland ;
 - (c) in a continuation class ;
 - (d) in a further education centre ;
 - (e) in a certified reformatory or industrial school in Scotland or in an approved school within the meaning of the Children and Young Persons (Scotland) Act 1937(c) ;
 - (f) in a school conducted or aided by an education authority in terms of section 8 of the Education (Scotland) Act 1918(d) ;
 - (g) in a school in receipt of or eligible for aid from an education authority in terms of section 9(1) of the Education (Scotland) Act 1918, section 25(1) of the Act of 1946, or section 25(1) of the Act of 1962, and inspected on behalf of the Secretary of State and found to be efficient ;
 - (h) in or in connection with a College of Education or a centre or a college recognised by the Secretary of State for the purpose of the training of teachers ;
 - (i) in or in connection with a central institution as defined in section 34 of the Education (Scotland) Act 1908, section 143 of the Act of 1946 or section 145 of the Act of 1962 ;
 - (j) in or in connection with a course of instruction conducted under section 13 of the Unemployment Act 1934(e), or section 76 of the Unemployment Insurance Act 1935(f) ;
 - (k) by an education authority, elsewhere than in an educational establishment, under an arrangement made under section 8 of the Education (Scotland) Act 1945(g), section 14 of the Act of 1946, or section 14 of the Act of 1962 ; and
 - (l) in a country furth of Scotland under an approved scheme of exchange, interchange or secondment ;
- (2) the whole of any period spent in service recorded as first class service under the Teachers Superannuation Scheme by virtue of the provisions of the Education (Scotland) (War Service Superannuation) Act 1914(h), or of the Education (Scotland) (War Service Superannuation) Act 1939(i) ;

(3) the whole of any period spent in service which by virtue of the provisions of the Teachers Superannuation (War Service) Act 1939(j), is

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| (a) 8 Edw. 7. c. 63. | (b) S.R. & O. 1939/422 (Rev. VI, p. 638; 1939 I, p. 695). |
| (c) 1 Edw. 8 & 1 Geo. 6. c. 37. | (d) 8 & 9 Geo. 5. c. 48. |
| (e) 24 & 25 Geo. 5. c. 29. | (f) 25 & 26 Geo. 5. c. 8. |
| (h) 4 & 5 Geo. 5. c. 67. | (i) 2 & 3 Geo. 6. c. 96. |
| | (j) 2 & 3 Geo. 6. c. 95. |

treated as contributory service for the purposes of the Teachers (Superannuation) Acts 1918 to 1956 ;

(4) the whole of any period of total disablement directly attributable to whole-time service for one or more periods between 25th May 1939, and 31st March 1949, both dates inclusive—

(a) in the Armed Forces of the Crown, or

(b) in the Merchant Navy or Mercantile Marine, or

(c) being a woman, in any of the Services specified in the First Schedule to the Reinstatement in Civil Employment Act 1944(a)—

whether the said period of total disablement occurred during or after the said period or periods of whole-time service ;

(5) the whole of any period spent in employment in an educational capacity—

(a) as a member of any of the Armed Forces of the Crown, or

(b) as a civilian with any of the said Forces or in any establishment for the benefit of past or present members of the said Forces or their children ;

(6) the whole of any period spent in whole-time service under the National Service Act 1948(b), as amended by the National Service Act 1950(c), rendered after 31st March 1949, and before 18th November 1962, or similar whole-time service rendered between the said dates in the Armed Forces of the Crown or in any of the Women's Services specified in Schedule 1 to the Reinstatement in Civil Employment Act 1944, or in any other Women's Service similarly associated with the said Armed Forces and established since the date of the passing of the said last mentioned Act :

Provided that where the teacher first became employed as a teacher after 31st October 1956, not more than two years of the said period shall be taken into account ;

(7) the whole of any period spent in employment which has been accepted by the Ministry of Education for the purposes of the Teachers (Superannuation) Acts 1918 to 1956, other than—

(a) employment in an educational establishment in Scotland, and

(b) non-teaching employment which has been so accepted by virtue of the Rules made under the provisions of section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(d), or under any other enactment having a similar purpose ;

(8) the whole of any period spent in service in the capacity of a teacher in Northern Ireland in respect of which pensions or gratuities may be granted out of the Teachers' Superannuation Fund established under the Teachers' Superannuation Act (Northern Ireland) 1926(e), or out of the Pension Fund established under the National School Teachers (Ireland) Act 1879(f) ;

(9) the whole of any period spent in whole-time paid employment in an educational capacity in a university or university college in Scotland, England, Wales or Northern Ireland ;

(10) the whole of any period spent in whole-time paid employment by an education authority as a director, deputy director or assistant director of

(a) 7 & 8 Geo. 6. c. 15.

(b) 11 & 12 Geo. 6. c. 64.

(c) 14 Geo. 6. c. 30.

(d) 11 & 12 Geo. 6. c. 33.

(e) 16 & 17 Geo. 5. c. 16 (N.I.).

(f) 42 & 43 Vict. c. 74.

education, or as an educational psychologist, or as an organising or supervising teacher, or a certificated teacher in an administrative post relating wholly or mainly to education ;

(11) the whole of any period of absence from teaching employment during which a teacher on the permanent staff of an education authority was, with the consent of the education authority, attending an approved course of teacher-training ;

(12) periods not exceeding in the aggregate two years of which not more than one year was spent in employment under an approved scheme of interchange in the capacity of *assistant* or *répétiteur* in France, or in an equivalent capacity in another country furth of Scotland, and not more than one year in similar employment in one other country furth of Scotland (including in each case reasonable time for travelling and vacations) :

Provided that no period or part of a period so spent which was accepted by the university concerned as fulfilling in whole or in part a condition of the conferment of the degree for which the teacher was a candidate shall be taken into account.

Service of teachers employed less than whole-time

5. Where a teacher has been employed less than whole-time in any of the employments mentioned in paragraph (1) of the last foregoing regulation, every five hours of employment shall be deemed to be the equivalent of one day of whole-time employment on the temporary staff and shall be taken into account accordingly in the calculation of the length of service of the teacher :

Provided that where the employment was by an education authority after 31st March 1955, in connection with further education, every two teacher-meetings within the meaning of the Regulations of 1955, of the Regulations of 1956, of the Regulations of 1959, of the Regulations of 1963, or of Part IV of these regulations shall be deemed to be the equivalent of one day of whole-time employment on the temporary staff and shall be taken into account accordingly in the calculation of the length of service of the teacher.

War service, 1939 to 1949

6. Subject to the provisions of Regulation 9, where a teacher (not being a principal or depute principal to the calculation of whose salary Part IV of these regulations applies) is a person who after attaining the age of 18 years has, for one or more periods, served whole-time between 25th May 1939 and 31st March 1949, both dates inclusive—

- (a) in the Armed Forces of the Crown, or
- (b) in the Merchant Navy or Mercantile Marine, or
- (c) being a woman, in any of the Services specified in Schedule 1 to the Reinstatement in Civil Employment Act 1944—

or satisfies the education authority that he has, for one or more periods, been engaged whole-time between 1st September 1939 and 31st March 1949, both dates inclusive, in a type of other work of national importance which has been approved for the purpose of this regulation, he shall be deemed to have been in service for the period or the aggregate of the periods during which he so served or was so engaged.

Periods of experience of value to teachers

7.—(1) Subject to the provisions of paragraph (3) of this regulation and to the provisions of Regulation 9, in the calculation of the length of service—

- (a) of a teacher to the calculation of whose salary Part III of these regulations applies, and

(b) of a teacher (not being a principal or depute principal) to the calculation of whose salary Part IV of these regulations applies,

there shall be taken into account as service any periods (hereinafter referred to as "periods of experience") during which the teacher, after having attained the age of 21 years, was gaining experience which in the opinion of the Secretary of State is or is likely to be of value to him as a teacher—

- (i) in the case of a teacher described in head (a) of this regulation, to such extent as the Secretary of State may decide after consultation with the Scottish Joint Council, or after having regard to the views obtained when the Scottish Joint Council were consulted regarding a period of experience of a similar kind ;
- (ii) in the case of a teacher described in head (b) of this regulation who was in teaching service before 1st July 1961, to such extent not exceeding seven years as the education authority may decide, or exceeding seven years as they may decide with the approval of the Secretary of State ; and
- (iii) in the case of a teacher described in head (b) of this regulation who first entered teaching service on or after 1st July 1961, to such extent not exceeding five years as the education authority may decide, or exceeding five years with the approval of the Secretary of State.

(2) This regulation shall apply to any part of a period of whole-time service under the National Service Act 1948, as amended by the National Service Act 1950, which may not be taken into account under paragraph (6) of Regulation 4 because of the limitation imposed by the proviso to the said paragraph.

(3) This regulation shall not apply to periods during which the teacher was undergoing whole-time education, or whole-time training for the teaching profession, or apprenticeship to a profession or trade, except in so far as the said experience was gained during holiday periods. In this paragraph the expression "holiday period" means a holiday period of not less than twenty consecutive working days and no period of experience of less than twenty consecutive working days in a holiday period shall be taken into account under this regulation.

Added years for late entrants to teaching

8. Subject to the provisions of Regulation 9, where a certificated teacher to the calculation of whose salary Part III of these regulations applies or a teacher (not being a principal or depute principal), whether certificated or not, to the calculation of whose salary Part IV of these regulations applies, had attained the age of 28 years before he became a certificated teacher or a teacher, as the case may be, he shall be deemed to have been in service for one-third of the period between his 28th birthday and the day upon which he became a certificated teacher or a teacher, as the case may be :

Provided that—

- (i) in the calculation of the length of the period to be deemed to be service under this regulation, there shall be left out of account any period subsequent to the said birthday which—

(a) has been taken into account as service under any of the foregoing provisions of this Part of these regulations, except where it is a period of war service which, under paragraph (b) of section 1 of

the Education (Scotland) (War Service Superannuation) Act 1939, was deemed to have been given, but was not actually given, subsequent to the said birthday, or

- (b) is subsequent to recognition as a certificated or qualified teacher by the Board of Education or the Ministry of Education or by any other authority approved for the purpose of this regulation ;
- (ii) where there has been taken into account as service to less than its full extent—
 - (a) a period spent in employment in a teaching or other capacity under Regulation 10, or
 - (b) a period of experience taken into account under Regulation 7— the part of the period left out of account under the last foregoing proviso shall bear the same relation to that part of the period of experience falling after the 28th birthday as the extent of the period taken into account as service bears to the whole of the period.

Limitations on reckoning of service

9.—(1) Where a teacher has been engaged for a period in any employment, service or occupation belonging to more than one of the categories described in the foregoing provisions of this Part of these regulations, that period shall be taken into account only once in the calculation of the length of his service :

Provided that, where the length of the period or of the aggregate of the periods of service which could be taken into account under Regulation 6 differs from the length of the period or of the aggregate of the periods which could be taken into account under paragraph (2), paragraph (3) and paragraph (4) of Regulation 4, only the period or the aggregate of the periods which is the longer shall be taken into account.

(2) The aggregate of the periods, other than periods of employment in an educational capacity, which may be taken into account as service under the three last foregoing regulations and paragraph (6) of Regulation 4 shall not, in the case of a teacher to the calculation of whose salary Part III of these regulations applies, who was in teaching service before 1st July 1961, exceed ten years, or, in the case of a teacher to the calculation of whose salary Part III of these regulations applies, who first entered teaching service on or after 1st July 1961, exceed seven years, or, in the case of a teacher (not being a principal or depute principal) to the calculation of whose salary Part IV of these regulations applies, who was in teaching service before 1st July 1961, exceed twelve years, or, in the case of a teacher (not being a principal or depute principal) to the calculation of whose salary Part IV of these regulations applies, who first entered teaching service on or after 1st July 1961, exceed eight years :

Provided that,

- (i) any teacher to the calculation of whose salary Part III of these regulations applies, who was in teaching service before 1st July 1961, but who by that date was not certificated shall not be entitled after the coming into operation of this regulation to salary placing of more than seven years and
- (ii) where an education authority have, in accordance with the provisions of Regulation 2 of the Regulations of 1945 or of Regulation 3 of the Regulations of 1948 or of Regulation 4 of the Regulations of 1951, taken into account a greater aggregate, the said greater aggregate shall continue to be taken into account for the purposes of this regulation.

Service reckoned under lapsed powers

10. Where the whole or part of any period of employment, service or occupation was taken into account for salary purposes in the calculation of the length of service of a teacher under a power which existed before the date upon which these regulations come into operation and where the said period or the said part thereof cannot be taken into account under any other provision of these regulations or can be so taken into account only subject to the fulfilment of a condition, the said period or said part thereof shall be taken into account under this regulation:

Provided that this regulation shall apply—

- (i) to a period or part of a period of service of a type described in Regulation 6 (irrespective of the age of the teacher at the time it was given) which was deemed to be service under the Regulations of 1945 or the Regulations of 1948, or
- (ii) to a period or part of a period of employment, service or occupation before 1st April 1945—

only so long as the teacher is in the employment of the education authority by whom the said period or the said part was first taken into account or by another education authority whose practice it was to take such periods or parts into account.

Service to be reckoned for days of employment on permanent and temporary staffs

11. For the purposes of this Part of these regulations, each day of whole-time employment on the permanent staff shall reckon as one day of service and each day of whole-time employment on the temporary staff shall reckon as 1.825 days of service:

Provided that

- (i) in calculating the length of service of a teacher who has served on the temporary staff for the whole or part of a salary year, the teacher shall not be credited with more than a service year in respect of his employment in that salary year, and
- (ii) where, under the Regulations of 1945, the Regulations of 1948 or the Regulations of 1951, a day of whole-time employment has been reckoned as a day of whole-time employment on the permanent staff, it shall continue to be so reckoned notwithstanding the definition of " permanent staff " contained in Regulation 2(1)(h).

Acceptance of record of service on change of employer

12. Where a teacher who has been employed by an education authority enters the employment of another education authority, that authority may for the purposes of these regulations accept as accurate the record of the service of the teacher which was last accepted as accurate by the education authority who last employed him ; and, on being requested to do so by the teacher, the education authority whose employment the teacher has entered shall furnish him with a copy of the record of service.

Re-assessment of length of service

13.—(1) It shall be in the power of the education authority at any time for the purposes of these regulations to re-assess the length of service of a teacher if they consider that it has been wrongly assessed, and they shall, with all convenient speed, re-assess it at the request of the teacher.

(2) Where a teacher to the calculation of whose salary Part IV of these regulations applies becomes employed as a head of department, senior assistant teacher or assistant teacher, whether at the desire of the education

authority or on his own application, his service on first becoming so employed shall be taken to be of the same length as his service at the termination of his last employment:

Provided that if, having regard to the difference prescribed in Regulation 9(2) in the length of the aggregate of certain periods, other than periods of teaching employment, which may be taken into account as service in the calculation of the length of service of a teacher to the calculation of whose salary Part III of these regulations applies and in the calculation of the length of service of the teacher (not being a principal or depute principal) to the calculation of whose salary Part IV of these regulations applies, the education authority are, or the teacher is, of opinion that the period or the aggregate of the periods, other than periods of teaching employment, which have been taken into account as service under Regulation 6, Regulation 7, Regulation 8 or Regulation 10, should, within the limits prescribed by the said regulations, be increased, the education authority shall, with all convenient speed, re-assess the length of the said period or of the aggregate of the said periods, and if, as a result of the re-assessment, the length of the said period or of the aggregate of the said periods is increased, the said period or the said aggregate, as re-assessed, shall be taken into account accordingly.

(3) If agreement cannot be reached under either of the two last foregoing paragraphs as to the length of the teacher's service, the education authority or the teacher may apply to the Secretary of State for a direction as to the length of service to be taken into account, and it shall be in the power of the Secretary of State to give such direction as he thinks fit:

Provided that an application may not be made only on the ground that the education authority have failed to exercise a discretion vested in them by these regulations or by the Regulations of 1945 to 1963 or that the said discretion has not been exercised to the extent desired by the teacher.

(4) Where the length of service of a teacher or the length of a period or of an aggregate of periods is re-assessed under this regulation, the re-assessment shall be operative with effect from the beginning of the month next following the month in which the teacher requested the education authority to make the re-assessment, or, if the teacher made no such request, from the beginning of the month next following the month in which the education authority intimated to the teacher the result of the re-assessment.

PART III

SALARIES OF TEACHERS EMPLOYED IN THE PROVISION OF PRIMARY AND SECONDARY EDUCATION

Interpretation of Part III and relative Schedules

14. In this Part of these regulations and the relative schedules unless the context otherwise requires—

- (a) "Backward pupil" means a pupil who is backward because he is lacking in ability and aptitude; "retarded pupil" means a pupil whose education is retarded because of absence from school or other interruption or interference; and "deaf pupil", "partially deaf pupil", "blind pupil", "partially sighted pupil", "mentally handicapped pupil", "epileptic pupil", "pupil suffering from speech defect", "mal-adjusted pupil" and "physically handicapped pupil" have the meanings respectively assigned to them by Regulation 2 of the Special Educational Treatment (Scotland) Regulations 1954(a);

- (b) "Basic element" means that part of the salary of a teacher to which Regulation 16 applies or, if the teacher is not entitled to the inclusion of a responsibility element in his salary under Regulation 18 or Regulation 33 or Regulation 34, the whole of his salary ;
- (c) "Basic scale" means one of the scales set forth in Part II of Schedule 1, showing the annual rate by reference to which the basic element of the salary payable to any teacher in each successive service year shall be calculated ;
- (d) "Head teacher" includes the teacher in a single-teacher school ;
- (e) "Principal teacher" means the principal teacher of a subject or of a combination of subjects employed in accordance with the provisions of paragraph (2) or of paragraph (3), as the case may be, of Regulation 6 of the Code or any other teacher appointed to be a principal teacher ;
- (f) "Responsibility element" means that part of the salary of a teacher to which Regulation 18 or Regulation 33 or Regulation 34 applies ;
- (g) "School year" means a period of twelve months beginning on 1st August in any year ;
- (h) "Whole-time employment", in relation to the employment of a teacher to whom this Part of these regulations applies, means employment for one day or for a longer period ; and, in relation to such employment, employment for one day means employment for such period or periods of the days as is, or was at the time of the employment, generally accepted by those engaged in the employment whether as employers, employees or self-employed persons as amounting to a full day's work ; and a teacher on the temporary staff so employed may, at the discretion of the education authority, be deemed for the purposes of this Part of these regulations to be in whole-time employment on mid-term or other special holidays and half holidays granted to the pupils attending the school in which he is employed or to pupils otherwise under his charge ; and the expression "employed whole-time" shall be construed accordingly.

Teachers to whose salaries Part III applies

15. This Part of these regulations and the relative schedules shall apply to the calculation of the salaries of all certificated teachers employed whole-time by an education authority throughout or at any time during the period beginning on 16th June 1964, and terminating on 31st March 1966, both days inclusive, and of the uncertificated teachers of technical subjects specified in paragraph 9 of Part I of Schedule 1 :

Provided that the said certificated and uncertificated teachers were, in the opinion of the authority, so employed wholly or mainly in the provision of, or in connection with, primary and secondary education or either of them, but the said Part shall not apply to the salaries of teachers employed in approved schools within the meaning of the Children and Young Persons (Scotland) Act 1937.

Assessment of basic element of salary

16.—(1) The annual rate of the basic element to be included in the salary of a teacher in any salary year shall be calculated by reference to the length of the service of the teacher on the first day of that salary year and to a basic scale set forth in Part II of Schedule 1 as augmented by any increase to which the teacher is entitled under Regulation 17 or Part V of these regulations :

Provided that where after the said calculation has been made—

- (i) a basic scale falls to be substituted for the basic scale by reference to which the calculation was made because of the grant of a certificate to the said teacher, or because of an improvement in his qualifications, or because of a change in the nature of his employment in the case of a teacher with a qualification described in paragraphs 1, 2 or 3 of Part I of Schedule 1, or
- (ii) the said teacher becomes entitled to any such increase or to a further or additional increase, or
- (iii) the amount of the increase to which he is entitled is reduced or his entitlement to an increase ceases—

the annual rate of the basic element to be included in his salary shall be recalculated in accordance with the foregoing provisions of this paragraph, and where the rate is increased the revised rate shall come into operation with effect from the date upon which his certificate was granted or his qualifications were improved or a change took place in the nature of his employment or he became entitled to an increase or further or additional increase, as the case may be, so, however, that if in any of the said circumstances he did not make application for a re-assessment within twelve months of the said date the revised rate shall, unless the Secretary of State on the application of the education authority or the teacher and in exceptional circumstances otherwise directs, come into operation with effect from the date upon which he applied for a re-assessment, and, where the rate is reduced, the reduced rate shall come into operation with effect from the date upon which the amount of his increase fell to be reduced or he ceased to be entitled to the increase.

(2) Where the teacher—

- (a) holds a qualification described in any paragraph of Part I of the said schedule, or
- (b) has ceased to hold the said qualification under Article 13 of the Superannuation Scheme for Teachers in Scotland approved by Order in Council on 30th July 1919(a), or Article 13A of the Superannuation Scheme for Teachers (Scotland) 1926(b)—

the basic scale to which the said paragraph relates shall be the basic scale by reference to which the basic element to be included in the salary of the teacher is calculated :

Provided that—

- (i) where a teacher holds more than one qualification and his qualifications are not all described in one paragraph of the said Part, the basic element of his salary shall be calculated by reference to the basic scale to which one only of the said paragraphs relates as may be selected by the teacher ;
- (ii) where a teacher holds a qualification or combination of qualifications which is not described in the said Part, or where the conditions of award of a qualification described in the said Part have become more exacting and the qualification is awarded to a teacher who has fulfilled the more exacting conditions, it shall be in the power of the Secretary of State to approve the qualification or combination as equivalent in standard to the qualifications described in a paragraph or part of a paragraph of the said Part, and, if it is so approved, the said

(a) S.R. & O. 1919/1105 (1919, I, p. 688). (b) See S.R. & O. 1926/363 (1926, p. 449).

qualification or combination shall, for the purposes of these regulations, be deemed to be a qualification or combination described in that paragraph or part of a paragraph ; and

- (iii) where a teacher is, or is to be, employed as an organiser or assistant organiser or supervisor of a technical subject in the whole or part of an education area and the education authority are, or the teacher, if a teacher occupies the post, is, of opinion that the basic scale by reference to which the basic element to be included in the salary of the teacher under the foregoing provisions of this paragraph is inappropriate, they or he may submit to the Secretary of State an application for a direction as to the basic scale by reference to which the basic element in the salary of the teacher shall be calculated, and it shall be in the power of the Secretary of State to give such direction as he thinks fit.
- (3) In determining by reference to the basic scale found to be applicable under the last foregoing paragraph the rate of the basic element to be included in the salary of a teacher in any salary year—
- (a) where the teacher begins any service year on the first day of a salary year, the rate shall be that prescribed by the said scale for that service year ; and
- (b) where the teacher has completed part of any service year on the last day of the immediately preceding salary year, the rate shall be that prescribed by the said scale for that service year augmented by a fraction of the increment, if any, prescribed for the next following service year, the numerator of the said fraction being the number of months in the said part and the denominator being twelve. In this sub-paragraph the word "month" shall be construed as meaning thirty days, and in the calculation of the number of months a remainder of fifteen days or more shall be reckoned as a month and a remainder of less than fifteen days shall be disregarded.
- (4) Where the annual rate of the basic element calculated in accordance with the foregoing provisions of this regulation exceeds a multiple of £1 by a sum of less than 10s. it shall be reduced to the said multiple, and where it exceeds a multiple of £1 by 10s. or a greater sum of less than £1 the said rate shall be increased to the next multiple of £1.

Increase of basic scales in particular cases

17.—(1) Where a teacher who is not employed wholly or mainly in a primary school, or in a special school in the instruction of pupils under the age of 12 years, or otherwise wholly or mainly in the provision of primary education holds the Teacher's General Certificate or the Teacher's Technical Certificate, and is not entitled to have the basic element of his salary calculated by reference to Scale 1, or Scale 2, or Scale 3 of Part II of the said Schedule, and has been granted a qualification under Article 39 of the Training Regulations in a subject in which a qualification may be granted under Chapter V of the Training Regulations the basic scale by reference to which his salary is calculated shall be increased throughout by £90.

(2) Not more than one increase in the basic scale of the teacher shall be in operation under the foregoing paragraph of this regulation at any one time.

(3) Where a teacher who is not employed wholly or mainly in a primary school or otherwise wholly or mainly in the provision of primary education is entitled to have the basic element of his salary calculated by reference to Scale 3 or is entitled to have the basic scale by reference to which his salary

is calculated increased under paragraph (1) of this regulation and has successfully completed three approved successive courses at a university or other institution the basic scale by reference to which his salary is calculated shall be increased throughout by £50.

(4) Where a teacher is employed whole-time in a special school or in special classes and his employment consists wholly or mainly in teaching the category of pupils to which his certificate or qualification relates, his basic scale shall be increased throughout—

(a) by £145 if he holds the Manchester University Certificate for Teachers of the Deaf, or the University Diploma for Teachers of the Deaf awarded by University College, Dublin, or if, having been employed as a teacher of the deaf before 31st December 1926, he holds a qualification which is approved for the purpose of this sub-paragraph, or

(b) by £85 if he holds a qualification referred to in paragraphs (1), (2), (3) or (4) of Regulation 7 of the Code, or any other qualification approved for the purpose of this sub-paragraph.

(5) Where a teacher is employed whole-time in a special school or in special classes and he does not hold a qualification in respect of which his basic scale may be increased under the last foregoing paragraph, his basic scale shall be increased throughout by £30.

(6) Where a teacher is employed whole-time under an arrangement made by the education authority under section 14 of the Act of 1946 or of the Act of 1962 in the education of pupils who are patients in a hospital his basic scale shall be increased throughout—

(a) by £85 if he holds a qualification to teach handicapped children approved under this sub-paragraph for the post, or

(b) by £30 if he does not hold such a qualification.

(7) Where a teacher is employed in a primary school whole-time in charge of a class for backward pupils or a class for retarded pupils, his basic scale shall be increased throughout by £50.

(8) Where a teacher to whom the last foregoing paragraph does not apply is appointed and employed wholly or mainly to teach backward pupils in a secondary school, his basic scale shall be increased throughout by £50 or, if he holds an endorsement of special qualification to act as teacher of backward pupils in secondary departments, his basic scale shall be increased throughout by £85.

Assessment of responsibility element of salary

18.—(1) Subject to the provisions of paragraph (3) of this regulation, where a teacher has been appointed to and is employed in a post of special responsibility described opposite to any serial number of Part I of Schedule 2 in column (2) of the said Part, there shall be included in his salary, in addition to the basic element, a responsibility element, being the sum, or sums in accordance with the scales prescribed in the entry in column (3) of the said Part opposite to the said serial number or in Part II of the said schedule, as the case may be:

Provided that—

(i) where the responsibility element so calculated exceeds a multiple of £5 by a sum of less than £2 10s. it shall be reduced to the said multiple, and where it exceeds a multiple of £5 by £2 10s. or a greater sum of less than £5 the said responsibility element shall be increased to the next multiple of £5;

- (ii) where the responsibility element to be included in the salary of a teacher is calculated by reference to the responsibility element in the salary of another teacher and a direction issued by the Secretary of State in relation to the responsibility element in the salary of the said other teacher under paragraph (1) of Regulation 37 in any of the circumstances set forth in heads (ii) to (v) both inclusive or in head (x) of the said paragraph is in force, the responsibility element in the salary of the said other teacher shall, for the purpose of calculating the responsibility element in the salary of the teacher, be deemed to be the responsibility element which would have been included in the salary of the said other teacher but for the said direction ;
- (iii) where the teacher is employed in more than one of the posts or combined posts (hereinafter referred to as "posts") included in Group A of the said Part I, a responsibility element shall be included in respect of only one of the said posts as selected by the teacher ;
- (iv) where the teacher is employed in one or more of the posts included in Group B of the said Part, the responsibility element to be included in his salary in respect of each such post shall be in addition to any responsibility element to be included in respect of a post included in Group A or Group C ;
- (v) where the teacher is employed part-time in a post included in Group C of the said Part, the responsibility element to be included in his salary in respect of that post shall be reduced ; and if the said teacher is also employed part-time in a post included in Group A of the said Part, the responsibility element in respect of that post shall also be reduced ; and the amount of each reduced responsibility element under this proviso shall be the sum which bears the same relation to the amount of the responsibility element prescribed in the said schedule for the post as the part-time employment bears to whole-time employment ; and
- (vi) where the teacher is employed in a post included in Group D of the said Part, no responsibility element shall be included in his salary in respect of any other post to which Schedule 2 applies.
- (2) Where a teacher has been appointed to a post of special responsibility the duties of which are substantially the same as those of a post named or described in column (2) of Part I of Schedule 2, the foregoing provisions of this regulation shall apply as they would have applied if the post had been so named or described notwithstanding that it may be differently named or described. If agreement cannot be reached as to whether the duties of a post are substantially the same as those of a post named or described in the said column, the education authority or the teacher may apply to the Secretary of State for a direction, and it shall be in the power of the Secretary of State to give such direction as he thinks fit.
- (3) Where—
- (a) a teacher has been appointed to and is employed in a primary school in a post of special responsibility described opposite to serial number 1, serial number 13, or serial number 14 or Part I of Schedule 2 in column (2) of the said Part, and
- (b) the average number of pupils in attendance in the school in which he is employed as calculated in accordance with paragraph (6) of this regulation is a number in grade (e) or grade (f) of Scale 10 of the said schedule—

it shall be in the power of the education authority to include in the salary of that teacher if he is employed in a post of special responsibility in a

school to which the said grade (e) applies the responsibility element shown in column (4) opposite to grade (f), and to include in the salary of that teacher if he is employed in a post of special responsibility in a school to which the said grade (f) applies the responsibility element shown in column (4) opposite to grade (e):

Provided that the number of responsibility elements of the amount shown opposite to grade (e) included in the salaries of teachers in posts described opposite to serial numbers 1, 13 and 14, respectively, of Part I of the said schedule shall not exceed the number which, but for the exercise of the power given by this paragraph, would have been included in the said salaries under paragraph (1) of this regulation, and the number of responsibility elements of the amount shown opposite to grade (f) included in the salaries of teachers in posts described opposite to the said serial numbers respectively shall not exceed the number which would have been included in the said salaries under the said paragraph (1).

(4) Where a teacher continues to perform the duties in respect of which he received a responsibility element under serial number 12 or serial number 13 of Part I of Schedule 2 to the Regulations of 1948, the education authority shall include in his salary the responsibility element provided for under serial number 17 or serial number 18 respectively of Part I of Schedule 2 to these regulations.

(5) Where a teacher continues to perform the duties in respect of which he received a responsibility element under serial number 14 of Part I of Schedule 2 to the Regulations of 1948, the education authority shall include in his salary the responsibility element provided for under serial number 19 or serial number 20 as the case may be of Part I of Schedule 2 to these regulations.

(6) (a) For the purpose of column (3) of Part II of Schedule 2 to these regulations—

(i) the expression “number of pupils in attendance” in relation to a week means the number of pupils whose names are shown by the Register of Summaries kept at the school in accordance with Schedule I to the Code to have been on the Daily Registers on the last day on which a meeting was held in that week, and

(ii) the average number of pupils in attendance during any period shall be calculated by adding the number of pupils in attendance on the last day of each week in which a meeting of the school is held during the period and dividing by the number of such weeks during the said period, and

(iii) the average number referred to in the heading of the said column shall be taken to be one-third of the sum of the average numbers of pupils in attendance during the school years beginning in 1959, 1960 and 1961.

(b) In calculations under the last foregoing sub-paragraph a fraction of less than a half shall be disregarded and a fraction of a half or more shall be treated as one unit.

(c) In the following circumstances it shall be in the power of the Secretary of State, on the application of the education authority or of the teacher concerned, to give a direction prescribing the number of pupils in attendance to be taken as the average number for the purposes of column (3) of Part II of Schedule 2 instead of the average number calculated in accordance with the foregoing provisions of this paragraph, or prescribing an alternative

method by which the average number for the purposes of the said column (3) shall be calculated. The said circumstances shall be—

- (i) where a school is opened or was opened after 1st August 1959, or
- (ii) where a change in the organisation of education in an area is made on or after 1st August 1959, or
- (iii) where, after 31st March 1962, a movement of population, or any other cause has brought or brings the average number of pupils in attendance, calculated in accordance with head (ii) of sub-paragraph (a) of this paragraph—
 - (aa) for a period during which meetings of the school were held in four, but not more than four, weeks, and
 - (bb) for the period of fifty-two consecutive weeks from and including the period referred to in sub-head (aa) of this head—
 - into one or more higher or one or more lower grades in a relevant scale in the said Part II than the average number of pupils in attendance during the period comprising the school years beginning in 1959, 1960 and 1961, calculated in accordance with head (iii) of sub-paragraph (a) of this paragraph, or
- (iv) where the responsibility element to be calculated is that to be included under serial number 26 of Part I of Schedule 2 in the salary of a teacher in charge of the education of pupils who are patients in a hospital :

Provided that a direction given in the circumstances to which head (iii) of this sub-paragraph applies shall come into force with effect from the commencement of the period referred to in sub-head (aa) of the said head, or from 16th June 1964, whichever is the later, or from such other date not earlier than 16th June 1964, as the Secretary of State may in exceptional circumstances specify in the direction.

Teachers employed temporarily in posts of special responsibility

19.—(1) Where a teacher is employed to perform in a school the duties of a post of special responsibility in place of a teacher who is temporarily absent from the post or pending a permanent appointment to the post—

- (a) if the teacher was not already in the employment of the education authority, or was employed by the authority elsewhere than in the school, the authority shall include in his salary a responsibility element at the same annual rate as that of the responsibility element included, or which would have been included under these regulations had the employment been after 31st March 1963, in the salary paid to the absent teacher or in the salary of the teacher who last held the post ; and
- (b) if the teacher was employed by the authority in the school, he shall not be entitled to have a responsibility element at the rate prescribed in the last foregoing sub-paragraph included in his salary until he has been employed in the post of special responsibility for twenty school days, whether consecutive or not ; and on the completion of the said twenty school days the said responsibility element in respect of his employment in the said post for the said twenty days shall vest in him, and thereafter the said responsibility element shall vest in him in respect of each day in which he is employed in the said post :

Provided that—

- (i) where, in a case to which sub-paragraph (b) applies, a period of six months has elapsed since the teacher was last employed in the said

post, he shall again have to be employed in the said post for twenty school days before he becomes entitled to have the said responsibility element included in his salary ;

- (ii) where, in a case to which either sub-paragraph (a) or sub-paragraph (b) applies, a responsibility element is already included in the salary of the teacher in respect of other special responsibilities, that responsibility element and the responsibility element for which this paragraph provides shall be subject to such of the provisos to paragraph (1) of the last foregoing regulation as may be applicable ; and
- (iii) where, in a case to which either sub-paragraph (a) or sub-paragraph (b) applies, a direction given under paragraph (1) of Regulation 37 of these regulations or of the Regulations of 1959 or 1963 in any of the circumstances set forth in heads (i) to (v), both inclusive, or in head (x) of the said paragraphs was in operation in relation to the salary of the absent teacher immediately before he became absent or of the teacher who last held the post immediately before he ceased to hold the post, the responsibility element to be included in the salary of the teacher employed to perform temporarily the duties of the absent teacher or of the teacher who last held the post shall be at the annual rate at which it would have been if the said direction had not then been in force.

(2) In this regulation the expression "school day" means a day upon which a meeting is held of the school in which the teacher is employed, or a meeting is held of any of the schools to which his special responsibilities under this paragraph extend, and "meeting" has the meaning attributed to it by Regulation 1(1)(i) of the Code.

(3) This regulation shall with any necessary modifications apply where a teacher is employed to be in charge of the education of pupils who are patients in a hospital in place of a teacher who is temporarily absent from the post or pending a permanent appointment to the post.

PART IV

SALARIES OF TEACHERS EMPLOYED IN THE PROVISION OF FURTHER EDUCATION

Interpretation of Part IV and relative Schedules

20.—(1) In this Part of these regulations and the relative schedules, unless the context otherwise requires—

- (a) "Assistant teacher" means a teacher who is not a principal, a depute principal, a head of department, or a senior assistant teacher ;
- (b) "Department" in relation to a further education centre means a part of the said centre in which are grouped the courses of instruction relevant to a particular occupation or group of occupations and which is recognised by the education authority as a department ;
- (c) "Depute principal" means a teacher who has special responsibilities extending to the whole of the further education centre in which he is employed and who in the absence of the principal of the said centre executes the functions of the principal and who has been appointed depute principal by the education authority ;
- (d) "Head of department" means a teacher who is directly responsible to the principal or to the depute principal of the further education centre in which he is employed and whose duties include the special

responsibility of organising and supervising the work of a department of the said centre and who has been appointed head of department by the education authority ;

- (e) "Post of special responsibility" means a post as principal, depute principal, head of department or senior assistant teacher ;
- (f) "Principal" means a teacher who has been appointed by the education authority to be in charge of a further education centre ;
- (g) "Relevant index figure" means the index figure indicating the volume and level of work of a further education centre calculated in accordance with the provisions of Regulation 24 and of Schedule 5 ; and, in relation to a teacher whose special responsibilities extend to morning, afternoon and evening meetings, means the index figure which includes points in respect of all such meetings ; and, in relation to a teacher whose special responsibilities do not extend to evening meetings, means the index figure which does not include points in respect of evening meetings ;
- (h) "Senior assistant teacher" means a teacher who has been appointed senior assistant teacher by the education authority, being—
- (i) a teacher whose duties include the special responsibility of organising and supervising part of the work of a department ; or
 - (ii) a teacher whose duties include the special responsibility of organising and supervising the work in a subject which is not included in the work of a department ; or
 - (iii) a woman teacher whose duties include special responsibility in relation to the social and personal welfare of the female students attending the further education centre in which she is employed ;
- (i) "Teacher-meeting" means, in the case of an assistant teacher, a period during which he teaches one or more classes or is required by the education authority to be present at the further education centre in which he is employed, and, in the case of a teacher in a post of special responsibility, a period during which he teaches, supervises, organises or otherwise performs the duties of his post, including any period during which a teacher-meeting for which he has responsibility, directly or indirectly, is held by another teacher ; and, "morning meeting", "afternoon meeting" and "evening meeting" mean respectively a teacher-meeting beginning before noon, a teacher-meeting beginning between noon and 4 p.m. and a teacher-meeting beginning after 4 p.m. :

Provided that—

- (i) no teacher shall be credited with holding more than one morning meeting, one afternoon meeting or one evening meeting on any day ; and
 - (ii) where a morning meeting or an afternoon meeting continues beyond noon or 4 p.m., the teacher shall not be credited with holding an afternoon meeting or an evening meeting, as the case may be, in respect of the continuance of the meeting beyond the said hours unless the total length of the meeting is more than four hours ; and
- (j) "Whole-time employment" in relation to the employment of a teacher to whom this Part of these regulations applies means employment for one week or for a longer period ; and in relation to such employment, employment for one week means employment for not less than ten teacher-meetings and not more than the number of such meetings as are, or were at the time of the employment, generally accepted by those

engaged in the employment, whether as employers, employees or self-employed persons, as amounting to a full week's work ; and a teacher on the temporary staff so employed may, at the discretion of the education authority, be deemed for the purposes of this Part of these regulations (other than those of Regulation 24 and other than those of Schedule 5) to be employed for a teacher-meeting notwithstanding that the said meeting may not have been held owing to holidays occurring in term-time ; and the expression "employed whole-time" shall be construed accordingly.

(2) Nothing in this Part of these regulations shall be construed as entitling a teacher belonging to more than one category of teachers to more than one salary to be selected by him being a salary prescribed for teachers belonging to one of the said categories.

Teachers to whose salaries Part IV applies

21. Subject to the provisions of Regulation 34, this Part of these regulations and the relative schedules shall apply in the calculation of the salaries of all teachers employed whole-time by an education authority throughout, or at any time during, the period beginning on 16th June 1964 and terminating on 31st March 1966, both days inclusive :

Provided that the said teachers are, in the opinion of the education authority, so employed wholly or mainly in the provision of, or in connection with, further education.

Classification of teachers by qualifications

22.—(1) The education authority shall classify the teachers to whom this Part of these regulations applies into groups according to their qualifications. They shall classify each teacher who holds a qualification described in Part IA of Schedule 3 as a teacher in Group IA. They shall classify each teacher who holds a qualification described in Part IB of the said schedule but does not hold a qualification described in Part IA thereof as a teacher in Group IB. They shall classify each teacher who holds a qualification described in Part II of the said schedule but does not hold a qualification described in Part IA or Part IB thereof as a teacher in Group II. They shall classify all other teachers as teachers in Group III. Where a teacher who has been classified into a group possesses or obtains a qualification described in Schedule 3 which entitles him to be classified into a higher group, he may apply to the education authority for reclassification and the education authority shall reclassify him accordingly.

(2) The provisions of the last foregoing paragraph, other than the last sentence thereof, shall not be construed as requiring the education authority to reclassify a teacher who was classified or deemed to have been classified under Regulation 22 of the Regulations of 1956 or of 1959 or of 1963, and a teacher who was classified or deemed to have been classified under the said Regulations in a group shall be deemed to have been classified in the same group under the last foregoing paragraph.

Classification of posts by level of work

23.—(1) The education authority shall classify the posts of heads of departments, senior assistant teachers and assistant teachers to whom this Part of these regulations applies into three grades according to the level of the work performed or to be performed by the occupants of the respective posts. Where, in their opinion—

(a) in the case of a post of assistant teacher, an essential part of the teaching work of the post, or

(b) in the case of a post of head of department or senior assistant teacher, an essential part of his teaching work or of other teaching work for the supervision of which he has special responsibility—

is, or is likely to be, in one of the categories described in Part I of Schedule 4, they shall classify the post as a post in Grade I. Where, in their opinion, any such essential part is, or is likely to be, in one of the categories described in Part II of the said schedule, but no such essential part is, or is likely to be, in one of the categories described in Part I thereof, they shall classify the post as a post in Grade II. All other posts shall be classified as posts in Grade III :

Provided that—

- (i) subject to the provisions of proviso (iii) to this regulation, where the education authority are of opinion that the level of the essential part of the work which determined the classification of a post has altered, or where the classification of a post falls to be determined by the essentiality of a new or of a different part of the work of the post, they shall intimate to the teacher occupying the post the grade into which they propose to reclassify it, and, if the teacher is dissatisfied with the proposed classification and the education authority do not abandon their proposal, the teacher may apply to the Secretary of State for a direction as to the grade in which the post shall be classified, and it shall be in the power of the Secretary of State to give such direction as he thinks fit ;
- (ii) subject to the provisions of proviso (iii) to this regulation, where the occupant of a post becomes dissatisfied with the classification of the post on the ground either that the essential part of the work which determined the classification of the post is such that the post should be classified in a higher grade than that in which it is classified, or that the classification of the post should be determined by the essentiality of a new or of a different part of the work of the post, he may so represent to the education authority, and, if the education authority do not reclassify the post, he may apply to the Secretary of State for a direction as to the grade in which the post shall be classified and it shall be in the power of the Secretary of State to give such direction as he thinks fit ;
- (iii) a post shall not be reclassified until after the expiry of one year from the date with effect from which it was last classified or reclassified ; and
- (iv) in deciding whether a particular part of the work of a post is an essential part of that work for the purpose of determining the classification of the post, the education authority or the Secretary of State, as the case may be, shall have regard to whether—
 - (a) one or more of the courses provided in the further education centre would be below standard if that part of the work were not included in the work of these courses, and
 - (b) that part was included in the work of the post primarily in order to enable the teacher occupying the post to gain experience of performing work at a more advanced level than the remainder of the work of the post, and
 - (c) a teacher in a higher group or occupying a post in a higher grade is available in the centre to perform that part.

(2) The provisions of the last foregoing paragraph shall not be construed as requiring the education authority to reclassify a post which was classified or deemed to have been classified under Regulation 23 of the Regulations of 1959 or of 1963, and a post which was classified or deemed to have been classified in a grade under the said Regulation shall be deemed to have been classified in the same grade under the last foregoing paragraph.

Assessment of volume and level of work in further education centres

24. The education authority shall make an assessment of the volume and level of work of each further education centre under their management in which teachers are employed whole-time and the said assessment shall be expressed by means of an index figure calculated in accordance with the provisions of Schedule 5. The said assessment shall relate to the year beginning on 1st August 1961 and ending on 31st July 1962, (hereinafter referred to as "the standard year"):

Provided that where after 1st August 1961—

- (i) a further education centre is or was opened, or
- (ii) the whole-time employment of teachers in a centre is or was begun, or
- (iii) new courses are or were instituted or discontinued in a centre, or courses are or were transferred to or from a centre—

it shall be in the power of the Secretary of State, on the application of the education authority or of a teacher, to give a direction prescribing the index figure for the centre and the date with effect from which the index figure so prescribed shall be used in the calculation of the salaries of the occupants of posts of special responsibility in the centre.

Salaries of principals and depute principals

25.—(1) The annual rate of the salary of a principal or of a depute principal (in this regulation referred to as "the teacher concerned") in any salary year shall be calculated by reference to the length on the first day of that salary year of his service in the post in relation to which the said calculation is being made, to the relevant index figure for the centre and to a scale set forth in Part II of Schedule 6 as augmented by any increase to which he is entitled under paragraphs (6) or (7) or (9) of this regulation or Part V of these regulations.

(2) Where the relevant index figure is within the range of index figures given in column (4) opposite to any serial number of Part I of Schedule 6, the salary of the teacher concerned shall be calculated by reference to the salary scale in Part II of the said schedule specified opposite to the said serial number—

- (a) in the case of a principal, in column (2), or
- (b) in the case of a depute principal, in column (3).

(3) In determining by reference to the scale found to be applicable under the last foregoing paragraph the rate of salary of the teacher concerned in any salary year—

- (a) where any year of service of the teacher concerned in his post begins on the first day of a salary year the rate shall be that prescribed by the said scale for that year of service in a post, and
- (b) where the teacher concerned has completed part of any year of service in his post on the last day of the immediately preceding salary year,

the rate shall be that prescribed by the said scale for that year of service in a post augmented by a fraction of the increment, if any, prescribed for the next following year of service in a post, the numerator of the said fraction being the number of months in the said part and the denominator being twelve. In this sub-paragraph the word "month" shall be construed as meaning thirty days, and in the calculation of the number of months a remainder of fifteen days or more shall be reckoned as a month and a remainder of less than fifteen days shall be disregarded, and

(c) where the rate exceeds a multiple of £1 by less than 10s. it shall be reduced to the said multiple, and where it exceeds a multiple of £1 by 10s. or a greater sum of less than £1 the said rate shall be increased to the next multiple of £1.

(4) Where under paragraph (2) of this regulation the salary of a depute principal may be calculated by reference to one or other of two scales, the education authority in selecting the scale to be used shall have regard to the way in which the work of the centre is organised, to the extent to which the depute principal is required to undertake teaching duties or special responsibilities other than those of a depute principal and generally to the whole circumstances of the centre.

(5) The date, whether before or after the date upon which these regulations came into operation, which was fixed by the education authority as the date upon which the teacher concerned should assume the duties of his post shall, for the purposes of this regulation, be taken to be the date upon which the service in the post of the teacher concerned began.

(6) Where the teacher concerned is classified in Group IA or Group IB or where, in the opinion of the education authority, an essential part of the work of the further education centre in which he is employed is, or is likely to be, in one of the categories described in Part I of Schedule 4, the scale by reference to which his salary is calculated shall be increased throughout by £265 but shall not be increased under the next following paragraph.

(7) Where the teacher concerned is classified in Group II or where, in the opinion of the education authority, an essential part of the work of the further education centre in which he is employed is, or is likely to be, in one of the categories described in Part II of Schedule 4, the scale by reference to which his salary is calculated shall be increased throughout by £70.

(8) Where the teacher concerned is dissatisfied with the opinion of the education authority under paragraph (6) or (7) of this regulation, he may apply to the Secretary of State for a direction as to the category described in Schedule 4 in which an essential part of the work of the centre is to be regarded as being, or is likely to be, and it shall be in the power of the Secretary of State to give such direction as he thinks fit. If the direction is that an essential part of the work is to be regarded as being, or as likely to be, in a category described in Part I or Part II of the said schedule, the scale by reference to which the salary of the teacher concerned is calculated shall be increased under the said paragraph (6) or (7) as the case may be.

(9) Where a teacher or other person is appointed principal or depute principal and the annual rate of his salary on the day fixed by the education authority as the day upon which he should assume his new duties is less than, or exceeds by less than £80, the annual rate of his salary on the

last day of his employment in his previous post, his salary shall be augmented by the smaller of the following increases, that is to say—

- (a) by the amount by which the annual rate of his salary on the last day of his employment in his previous post, increased by £80 exceeds the annual rate of the salary which would otherwise be payable under this regulation on the day fixed by the education authority as the day upon which he should assume his new duties, or
- (b) by such sum as will bring the annual rate of his salary, excluding the increase prescribed in this paragraph, to its maximum.

(10) In the last foregoing paragraph references to annual salary rate mean that rate excluding any increase payable under Part V of these regulations.

(11) The two last foregoing paragraph shall, with the necessary modifications, apply to a teacher or other person appointed principal or depute principal after 31st March 1959, but before 1st April 1963, as they apply to a teacher or other person so appointed after 31st March 1963.

Salaries of heads of departments, senior assistant teachers and assistant teachers

26.—(1) The annual rate of the salary of a head of department, a senior assistant teacher or an assistant teacher (in this regulation referred to as "the teacher concerned") in any salary year shall be calculated by reference to the length of his service on the first day of the salary year, to his group or to the grade of his post, and to a scale set forth in Part II of Schedule 7, as augmented by any increase to which he is entitled under paragraph (5) or (6) of this Regulation or under Part V of these regulations :

Provided that the annual rate shall be recalculated in accordance with the foregoing provisions of this paragraph—

- (i) where the teacher concerned is reclassified in a higher group, with effect from the date upon which he obtained the qualification which entitled him to reclassification, but if he did not make application for reclassification within six months of the said date, the reclassification shall, unless the Secretary of State on the application of the education authority or of the teacher and in exceptional circumstances otherwise directs, have effect from the date upon which he applied for reclassification ;
- (ii) where the post is reclassified in a higher or a lower grade, with effect from such date as may be fixed by the education authority, or as the Secretary of State may direct on the application of the teacher concerned ;
- (iii) where the teacher concerned becomes entitled to any such increase or to a further or additional increase, with effect from the date upon which he became entitled to the increase or further or additional increase ; and
- (iv) where the amount of the increase to which he is entitled is reduced or his entitlement to an increase ceases, with effect from the date upon which his entitlement was reduced or ceased.

(2) Subject to the provisions of paragraph (5) of this regulation, where the teacher concerned falls within the description set forth in column (3) opposite to a serial number in Part I of Schedule 7, the salary of the said teacher shall be calculated by reference to the scale in Part II of the said schedule specified opposite to the said serial number in column (2).

(3) In determining by reference to the scale found to be applicable under the last foregoing paragraph the rate of the salary of the teacher concerned in any salary year—

- (a) where the teacher concerned begins any service year on the first day of a salary year the rate shall be that prescribed by the said scale for that service year, and
- (b) where the teacher concerned has completed part of any service year on the last day of the immediately preceding salary year, the rate shall be that prescribed by the said scale for that service year augmented by a fraction of the increment, if any, prescribed for the next following service year, the numerator of the said fraction being the number of months in the said part and the denominator being twelve. In this sub-paragraph the word "month" shall be construed as meaning thirty days, and in the calculation of the number of months a remainder of fifteen days or more shall be reckoned as a month and a remainder of less than fifteen days shall be disregarded, and
- (c) where the rate exceeds a multiple of £1 by less than 10s. it shall be reduced to the said multiple, and where it exceeds a multiple of £1 by 10s. or a greater sum of less than £1 the said rate shall be increased to the next multiple of £1.

(4) Where the salary of the teacher concerned is calculated by reference to Scale 35 and the teacher does not hold one of the qualifications described in Part III of Schedule 3 he shall on completing his tenth service year, notwithstanding that he continues in teaching employment and notwithstanding anything in Part II of these regulations, be deemed to remain in his tenth service year for the purpose of the calculation of his salary :

Provided that if he subsequently obtains one of the said qualifications his eleventh service year shall be deemed to begin on the date upon which he obtains the said qualification and his service after the said date shall be taken into account accordingly in the calculation of his salary.

(5) Where the teacher concerned is a certificated teacher or has satisfactorily completed a course of teacher-training approved for the purpose of this regulation, the scale by reference to which his salary is calculated shall be increased throughout by the sum of £70.

(6) Where the teacher concerned is a head of department or a senior assistant teacher and the relevant index figure is within the range of index figures given opposite to any serial number of Schedule 8 the scale by reference to which his salary is calculated shall be increased throughout, in the case of a head of department, by a sum being a sum not less than that shown opposite to the said serial number in column (2) of the said schedule and not more than that so shown in column (3) thereof, and, in the case of a senior assistant teacher, by a sum being a sum not less than that so shown in column (4) and not more than that so shown in column (5) thereof.

Teachers employed temporarily in posts of special responsibility

27.—(1) Where a teacher is employed to perform in a further education centre the duties of a post of special responsibility in place of a teacher who is temporarily absent from the post or pending a permanent appointment to the post,—

- (a) if the teacher was not already in the employment of the education authority, or was employed by the authority elsewhere than in the further education centre, the authority shall pay him in respect of his

employment in the said post a salary assessed in accordance with the foregoing provisions of these regulations; and

- (b) if the teacher was employed by the education authority in the further education centre, he shall not be entitled to the said salary until he has been employed in the post of special responsibility for twenty days, whether consecutive or not, during each of which a teacher-meeting was held in relation to which the teacher had special responsibility; and on completion of the said twenty days the said salary in respect of his employment in the said post for the said twenty days shall vest in him, and thereafter it shall vest in him in respect of each day in which he is employed in the said post:

Provided that—

- (i) where, in a case to which sub-paragraph (b) applies, a period of six months has elapsed since the teacher was last employed in the said post, he shall again have to be employed in the said post for twenty such days before he becomes entitled to the said salary; and
- (ii) where, in a case to which either sub-paragraph (a) or (b) applies, a direction given under paragraph (1) of Regulation 37 of these regulations or of the Regulations of 1959 or 1963 in any of the circumstances set forth in heads (vi) to (x), both inclusive, of the said paragraphs, was in operation in relation to the salary of the absent teacher immediately before he became absent or of the teacher who last held the post immediately before he ceased to hold the post, the salary of the teacher employed to perform temporarily the duties of the absent teacher or of the teacher who last held the post shall be at the annual rate at which it would have been if the said direction had not then been in operation.
- (2) No salary other than that provided for in this regulation shall be payable by the education authority to the teacher in respect of the period for which he is employed in the said post of special responsibility.

PART V

SUPPLEMENTATION OF SALARIES OF TEACHERS EMPLOYED IN REMOTE PLACES

Increase of scales of teachers in remote schools and further education centres

28.—(1) Subject to the provisions of paragraphs (2) and (3) of this regulation, where the whole-time employment of a teacher is in a remote school or a remote further education centre or includes employment in a remote school or a remote further education centre near which he lives, the basic scale by reference to which the basic element of his salary is calculated or the scale by reference to which his salary is calculated, as the case may be, shall be increased as follows:—

- (a) where the recognised customary route from the school or further education centre to the recognised centre of population conforms to one only of the descriptions set forth in sub-paragraph (d) of paragraph (4) of this regulation, by £55; or
- (b) where the said recognised customary route conforms to any of the descriptions set forth in head (i) of the said sub-paragraph and to either of the descriptions set forth in head (ii) of the said sub-paragraph, by £100.

(2) Where, because of exceptional financial disadvantages arising out of the isolated situation of a school or a further education centre, the education authority are, or the teacher is, of opinion—

- (a) that, where the school is a remote school or the centre is a remote further education centre, the increase provided for in the last foregoing paragraph is insufficient, or
- (b) that, although the school is not a remote school, the basic scale by reference to which the basic element of the salary of a teacher employed whole-time in the school or of a teacher who lives near the school and whose whole-time employment includes employment in the school is insufficient, or
- (c) that, although the centre is not a remote further education centre, the scale by reference to which the salary of a teacher employed whole-time in the centre or of a teacher who lives near the centre and whose whole-time employment includes employment in the centre is insufficient—

the education authority or the teacher may apply to the Secretary of State for a direction, and it shall be in the power of the Secretary of State to give such direction as he thinks fit.

(3) Where the education authority are of opinion that the financial disadvantages of being employed in a particular remote school or a particular remote further education centre are insufficient to justify any increase under paragraph (1) of this regulation, or are sufficient to justify only a smaller increase than that prescribed in the said paragraph, they may apply to the Secretary of State for a direction, and it shall be in the power of the Secretary of State to give such direction as he thinks fit.

(4) In this regulation, unless the context otherwise requires—

- (a) “centre of population” means a place where the normal number of teachers employed whole-time in primary schools is three or more;
- (b) “public passenger service” means a service (other than the hiring of a vehicle or a boat) available to the public throughout the year on Saturdays and on not less than one other day each week (weather permitting) and so timed as to permit a person using the service to complete the outward and the homeward journey on the same day and to spend at least two hours at the centre of population to which he has travelled;
- (c) “recognised” means recognised by the education authority for the purposes of this regulation; and
- (d) “remote school” and “remote further education centre” mean respectively a school and a further education centre in which the normal number of teachers employed whole-time does not exceed two and from which the recognised customary route to the centre of population recognised as the centre normally used by persons living at or near the school—
 - (i) includes not less than—
 - (aa) 15 miles or thereby on land or on land and water, or
 - (bb) 8 miles or thereby on water which is recognised as sheltered water or partly as sheltered and partly as exposed water, or
 - (cc) 2 miles or thereby on water which is recognised as exposed water, or
 - (ii) lacks a public passenger service for not less than—
 - (aa) 5 miles or thereby on land, or
 - (bb) half a mile or thereby on water.

(5) Where—

- (a) a teacher is employed whole-time in providing in accordance with an arrangement made by the education authority under section 14 of the Act of 1946 or of the Act of 1962 education for pupils in one or more places other than a school, and
- (b) the teacher lives at or near one of the said places, and
- (c) the recognised customary route to the centre of population recognised as the centre normally used by persons living at or near the place where the teacher lives satisfies the conditions set forth in head (i) or (ii) of sub-paragraph (d) of the last foregoing paragraph—

the teacher shall be deemed for the purposes of this regulation to be a teacher whose whole-time employment is in a remote school.

(6) The education authority shall maintain a list classifying the schools and further education centres in their area in which the basic scales or the scales by reference to which the salaries of the teachers employed in the schools or centres, as the case may be, are increased—

- (a) by £55 under sub-paragraph (a) of paragraph (1) of this regulation,
- (b) by £100 under sub-paragraph (b) of the said paragraph,
- (c) in accordance with a direction given under paragraph (2) of this regulation, and
- (d) in accordance with a direction given under paragraph (3) of this regulation—

and of the remote schools and remote further education centres in which no such increases are made in accordance with a direction given under the said paragraph (3).

(7) Any direction given or deemed to have been given by the Secretary of State under paragraph (2) or paragraph (3) of Regulation 28 of the Regulations of 1959 or of 1963 shall, if in force immediately before these regulations come into operation, be deemed to have been given under these regulations, and the provisions of Regulation 43 shall apply to such directions as they apply to directions given under these regulations.

Increase of scales of teachers in distant islands

29.—(1) Where a teacher is employed in a school in a distant island, the basic scale by reference to which the basic element of his salary is calculated shall be increased by £55.

(2) Where a teacher is employed in a further education centre in a distant island, the scale by reference to which his salary is calculated shall be increased by £55.

(3) An increase under either of the two last foregoing paragraphs shall be additional to any increase made under the last foregoing regulation.

(4) In this regulation the expression "distant island" means any of the Orkney Islands, of the Shetland Islands or of the Outer Hebrides, and the islands of Colonsay, Tiree, Coll, Muck, Eigg, Rhum, Canna and Soay.

Certain teachers employed in schools which ceased to be remote schools

30. Where a school which was a remote school within the meaning of the Regulations of 1951 is not a remote school within the meaning of Regulation 28 or is not treated as a remote school under the said Regulation and is not a school on a distant island within the meaning of the last

foregoing Regulation, the basic scale by reference to which the basic element of the salary of a teacher who was employed in the said school on 31st March 1954, is calculated shall continue to be increased by the amount by which it was increased under the Regulations of 1951 so long as he continues to be employed in the said school.

PART VI

MODIFICATION OF THE REGULATIONS IN SPECIAL CIRCUMSTANCES

Teachers with special attributes required for particular posts

31.—(1) Where the education authority apply to the Secretary of State for a direction and satisfy him that for special reasons they have been or are likely to be unable to obtain or to retain the services of a teacher with the qualifications, personality, or experience desirable for any of the posts specified in the next following paragraph and that these regulations should be modified in their application to any occupant of any such post, it shall be in the power of the Secretary of State to direct that these regulations shall apply to the salary of the occupant of the said post with such modifications as he may prescribe.

(2) The posts to which the last foregoing paragraph shall apply are any of the following posts :—

- (a) head teacher or deputy head teacher of, or second master or first assistant or principal teacher in, a secondary school, other than any of such posts as is wholly or mainly in the primary department of any such school,
- (b) a teacher in a special school,
- (c) a teacher whose whole-time employment is in teaching pupils elsewhere than at an educational establishment, or includes part-time employment in such teaching, under special arrangements made under section 14 of the Act of 1962, and
- (d) a teacher who is required to carry out work of an experimental character.

Ministers of religion who are certificated teachers

32. Where—

- (1) the education authority employ on the permanent staff a minister of religion, who is also a certificated teacher, wholly or mainly in or in connection with the provision of religious instruction in one or more of the schools under their management, and
- (2) the education authority are of opinion that the salary payable to the teacher in accordance with the provisions of these regulations is inappropriate having regard to the qualifications and experience of the teacher as a minister and to the duties he is employed to perform—

they may apply to the Secretary of State for a direction as to the salary to be paid to the teacher. It shall be in the power of the Secretary of State, after consultation with the Scottish Joint Council, to direct that these regulations shall apply to the said salary with such modifications as he may prescribe.

Teachers in posts of special responsibility in new or expanding schools or further education centres

33.—(1) Where—

- (a) a new school is to be opened or an existing school is to be expanded, and
- (b) the education authority appoint a teacher to a post of special responsibility in the school with a view to his preparing for the opening of the new school or for the expansion of the existing school or where they require a teacher already serving in the school to make the said preparations, and
- (c) the teacher is to continue to serve in the said post after the opening of the school or while the said expansion is taking place, as the case may be—

it shall be in the power of the Secretary of State, on the application of the education authority or of the teacher and after consultation with the Scottish Joint Council, to give a direction as to the responsibility element to be included in the salary of the teacher.

(2) The foregoing provisions of this regulation shall, with the necessary modifications, apply in relation to the salary of a teacher appointed to a post of special responsibility in a new or expanding further education centre.

Teachers bearing special responsibility of an exceptional kind

34. Where—

- (1) an education authority are, or a teacher is, of opinion—
 - (a) that a post to which Part III, but not Regulation 18, of these regulations applies is a post of special responsibility and consider that the salary of the teacher appointed to the post should include a responsibility element, or
 - (b) that a post to which Part IV of these regulations applies is not a post of special responsibility within the meaning of subparagraph (e) of paragraph (1) of Regulation 20, and consider that the salary of the teacher appointed to the post should be augmented, or
 - (c) that in the particular circumstances of a post of special responsibility to which the said Part III applies the responsibility element payable to the teacher appointed to the said post is inadequate, or
- (2) an education authority are, or a teacher is, of opinion that because of exceptional conditions affecting a further education centre or affecting a post of special responsibility in such a centre, the salary of the holder of a post of special responsibility would be too large or too small—

the education authority or the teacher may apply to the Secretary of State for a direction in relation to the salary of the teacher, and it shall be in the power of the Secretary of State, after consultation with the Scottish Joint Council, to issue such direction as he thinks fit.

Conditions of service in further education centres similar to those in secondary schools

35. Where the education authority are of opinion that the conditions of service of the teachers employed in a further education centre are similar

to those of the teachers employed in a secondary school in their area, they may, after consultation with representatives of the teachers employed in the said centre, apply to the Secretary of State for a direction that Part III of these regulations shall apply with such modifications as they consider desirable in the calculation of the salaries of the certificated teachers employed in the said centre and for a direction as to the salaries to be paid to the uncertificated teachers so employed. It shall be in the power of the Secretary of State to issue such direction as he thinks fit.

Teachers employed both in schools and in further education centres

36. Where the education authority are of opinion—

- (1) that the whole-time employment of a teacher is mainly in the provision of, or in connection with, primary and secondary education or either of them and to a smaller extent in the provision of, or in connection with, further education, or
- (2) that the whole-time employment of a teacher is mainly in the provision of, or in connection with, further education and to a smaller extent in the provision of, or in connection with, primary and secondary education, or either of them—

the teacher shall be remunerated in accordance with Parts III and IV of these regulations in the proportions which his whole-time employment in the provision of or in connection with primary and secondary education and his whole-time employment in the provision of or in connection with further education respectively bear to his total whole-time employment.

Teachers losing by remaining in or accepting posts at the desire of the education authority

37.—(1) Subject to the provisions of the next following paragraph, where a teacher occupies a post—

- (a) in which he has remained at the desire of the education authority, or
- (b) to which he has been transferred at the desire of the education authority for reasons other than inefficiency or indiscipline,

and if the application of these regulations to his salary would result in—

- (i) a reduction in the basic element of his salary, or
- (ii) a reduction in the responsibility element of his salary, or
- (iii) the calculation of the said responsibility element by reference to a lower grade on any scale set forth in Part II of Schedule 2, or
- (iv) the inclusion in his salary of a responsibility element smaller than that to which he would have been entitled under these regulations if a change in the special responsibilities of the said post had not occurred, or
- (v) a reduction in his salary on transfer from a post to which Part IV applies—

where Part III of these regulations applies, or in—

- (vi) a reduction of his salary, or
- (vii) no change in his salary, or an increase in his salary which in the opinion of the teacher or of the education authority is inadequate, on transfer from a post to which Part III applies, or
- (viii) a reduction in the increase under paragraph (6) of Regulation 26 in the scale by reference to which his salary is calculated, or

(ix) the calculation of his salary by reference to a lower grade on any scale set forth in Schedule 8—

where Part IV of these regulations applies, or in

(x) a salary which, in the opinion of the Secretary of State, would be inequitable having regard to any direction in relation to his salary given under the Regulations of 1945 to 1959, where either Part III or Part IV applies—

it shall be in the power of the Secretary of State, on the application of the teacher or of the education authority, and subject to the provisions of paragraph (2) of this regulation, to issue such direction as he thinks fit.

(2) A direction shall not be issued under this regulation—

(a) where the teacher has been employed temporarily in one or more of the posts in which his qualifications entitle him to an increase in his basic scale under Regulation 17—in respect of the ending of the said increase, unless he has received such increases for a continuous period of not less than two years or, within three years, for an aggregate of periods amounting to not less than two years; or

(b) where the teacher ceases to perform the duties of a post of special responsibility in place of a teacher who is temporarily absent from the post or pending a permanent appointment to the post—in respect of the loss of responsibility element payable under Regulation 19 or of the ending of the payment of the salary appropriate to the said post under Regulation 27; or

(c) where a teacher is transferred from a remote school or from a remote further education centre within the meaning of Regulation 28 to a school or a further education centre which is not remote, or to a remote school or further education centre in which the amount of the increase in his salary is reduced, or from a school or a further education centre on a distant island within the meaning of Regulation 29 to a school or a further education centre which is not on such an island—in respect of the ending or reduction of the increase made under either or both of the said regulations; or

(d) where the teacher remains in a post to which he was appointed between 1st August 1939 and 31st March 1948, both days inclusive, unless the average by reference to which his responsibility element falls to be calculated under these regulations is in a lower grade of the relative scale—

(i) than the corresponding average in the school year when he was appointed to the post or in any subsequent school year before that beginning on 1st August 1948, or

(ii) than the average used under the Regulations of 1959; or

(e) where the head teacher, deputy head teacher, second master, first assistant or senior woman assistant of a special school appointed after 31st October 1956, ceases to be entitled to the inclusion in his salary of the responsibility element prescribed opposite to serial number 28 or 29 or 30 or 31 of Part I of Schedule 2 because the work in connection with the provision made for pupils of 12 years of age or over which entitled him to the said responsibility element has ceased.

(3) For the purpose of sub-paragraph (a) of the last foregoing paragraph a teacher shall be deemed to be employed temporarily in a post if the Secretary of State is satisfied that, when his employment in a post began, he was informed or the circumstances clearly implied that he was to occupy the post only until the occurrence of a particular event or until a particular date.

(4) Before issuing a direction under this regulation, the Secretary of State shall send a copy of any application by or on behalf of a teacher to the Scottish Joint Council for consideration by the Teacher Members of the Council. The said Members may, within six weeks, submit their views on the application to the Secretary of State, and he shall have regard to any views so submitted.

PART VII

GENERAL AND ADMINISTRATIVE PROVISIONS

Vesting and payment of salary

38.—(1) Salary shall vest each day in teachers as follows, that is to say:—

- (a) in a teacher on the permanent staff, one three-hundred-and-sixty-fifth part of the annual rate of his salary,
- (b) in a teacher on the temporary staff to the calculation of whose salary Part III of these regulations applies, one two-hundredth part of the annual rate of his salary, and
- (c) in a teacher on the temporary staff to the calculation of whose salary Part IV of these regulations applies, one two-hundred-and-twentieth part of the annual rate of his salary.

(2) Where a teacher employed temporarily in a post of special responsibility to whom Regulation 19 or Regulation 27 applies was not when first so employed already in the employment of the education authority or was in their employment as a member of the temporary staff, his salary shall vest in him as salary vests in a member of the temporary staff. Where the said teacher was already in the employment of the education authority as a member of the permanent staff, a part of his salary equal in amount to the salary of his permanent post shall vest in him as salary vests in a member of the permanent staff and the balance shall vest in him as salary vests in a member of the temporary staff.

(3) Salaries may be paid in advance or in arrear, in such instalments and at such reasonable intervals as the education authority may think fit.

Teachers on the temporary staff

39. Subject to the provisions of—

- (1) sub-paragraph (h) of Regulation 14 and sub-paragraph (j) of paragraph (1) of Regulation 20 (in which the expression “whole-time employment” in relation to employment in schools and in further education centres respectively is defined),
- (2) Regulation 11 (which relates to the calculation of length of service on the temporary staff),
- (3) sub-paragraph (b) and sub-paragraph (c) of paragraph (1), and paragraph (2) of the last foregoing regulation (which relate to the vesting of salary in a teacher in whole-time employment on the temporary staff),

and to such other modifications as may be necessary, these regulations shall apply to the salary of a teacher on the temporary staff as they apply to the salary of a teacher on the permanent staff.

Resident teachers

40. The employment remunerated under these regulations shall be deemed not to include that part of the employment of a teacher resident at a school or at a further education centre which is not normally included in the employment of teachers not so resident.

Teachers absent from duty

41.—(1) Where a teacher to the calculation of whose salary Part III or IV of these regulations applies is absent as a result of illness or injury, or for the protection of pupils against infection to which the teacher has been exposed or against an illness from which the teacher has suffered, or in preparation for and recovery from confinement, the education authority may reduce the rate of the teacher's salary:

Provided that the reduction does not exceed the reduction applicable to the circumstances of his case recommended in any deliverance of the Scottish Joint Council in force during the teacher's absence, which contains provisions relating to—

- (a) the periods, or the aggregate of the periods, of absence after which reduced rates are to operate,
- (b) the reduced rates,
- (c) the lengths of the periods for which the reduced rates are to operate,
- (d) the medical evidence which the teachers are required to produce, and
- (e) administrative and consequential matters.

(2) Where a teacher to the calculation of whose salary Part III or IV of these regulations applies is absent with leave of the education authority for any reason other than those to which the last foregoing paragraph applies, the education authority may suspend, or reduce the rate of his salary:

Provided that the suspension or the reduction, as the case may be, is in accordance with any deliverance of the Scottish Joint Council in force at the time.

Postponement of increments

42.—(1) If a teacher is not performing his duties to the satisfaction of the education authority, it shall be in the power of the authority, notwithstanding anything in these regulations, to postpone for one salary year after the date of the adoption of the resolution for the said postponement the increments payable to him in accordance with the basic scale applicable to the calculation of the basic element of his salary if he is a teacher to the calculation of whose salary Part III of these regulations applies, or the scale applicable to the calculation of his salary if he is a teacher to the calculation of whose salary Part IV of these regulations applies.

(2) If at any time within six weeks after the adoption of a resolution under this regulation a petition is presented to the Secretary of State by the said teacher praying for an inquiry into the reasons for the postponement, the Secretary of State shall make such inquiry as he sees fit, and if as a result of such inquiry he is of opinion that the postponement is not reasonably justifiable he shall communicate such opinion to the education authority, and the resolution shall thereupon be deemed never to have been adopted.

(3) It shall be in the power of the education authority at any time to revoke any resolution adopted under this regulation, and the resolution shall thereupon cease to have effect in relation to the remainder of the salary year in which the education authority resolve to revoke the resolution and in subsequent salary years.

Procedure in applications for directions

43. Where an application is submitted to the Secretary of State by an education authority or by a teacher for a direction under these regulations, the authority or the teacher shall specify in the application the direction which it is desired to obtain and shall state the reasons in support of the application. It shall be in the power of the Secretary of State to refuse

to issue a direction or, subject to the provisions of the regulation under which the application is made, to issue such direction as he thinks fit, and at any time to amend or revoke a direction so issued, after consultation with the Scottish Joint Council or any other body, if such consultation is prescribed by the said regulation, or, if no such consultation is so prescribed, after such consultation, if any, as he thinks necessary. The said direction shall specify the period for which it is to have effect, provided that the said period shall begin not earlier than 16th June 1964, and shall end not later than 31st March 1966, both days inclusive. It shall be the duty of the education authority to give effect to any such direction or amended direction.

Procedure in applications by teachers

44. Where a teacher is entitled to submit an application to the Secretary of State under these regulations—

- (1) the teacher shall submit the application to the education authority, who shall, with all convenient speed, submit it to the Secretary of State together with any views which they may desire to express, or
- (2) the application may be submitted by the education authority on behalf of the teacher, and any application so submitted shall be held to have been submitted with the teacher's approval unless the contrary is proved.

Responsibility for establishment of facts in applications by teachers

45. Where an application is made by a teacher under these regulations which requires a decision by the Secretary of State, the responsibility for establishing to the satisfaction of the Secretary of State the facts upon which the application is based shall rest upon the teacher. This regulation shall with the necessary modifications apply to an application by a teacher requiring a decision by the Scottish Joint Council or the education authority.

Revocation of regulations

46.—(1) Subject to the provisions of section 38(2) of the Interpretation Act 1889, the regulations set forth in Schedule 9 to these regulations are hereby revoked, provided that such revocation shall not prevent the Secretary of State or the education authority from exercising any of their functions under any regulation so revoked in relation to the salary payable to any teacher in respect of employment in the period during which the regulation so revoked was in operation.

(2) Notwithstanding the provisions of the last foregoing paragraph, any power, whether under regulations so revoked or under regulations made before the regulations so revoked, to reassess the length of service of a teacher for the purpose of the calculation of his salary in respect of employment in the period during which the regulations so revoked, or the regulations made before the regulations so revoked, were in operation shall not be exercised save in exceptional circumstances.

(3) Any direction issued by the Secretary of State under the Regulations of 1963 and of effect immediately before the coming into operation of these regulations shall continue to have effect as if issued under these regulations.

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
2nd June 1964.

SCHEDULES

Regulation 16

SCHEDULE 1

BASIC ELEMENT OF SALARIES OF TEACHERS EMPLOYED IN SCHOOLS

PART I

APPLICATION OF BASIC SCALES IN PART II

Scale 1

1. The basic element shall be calculated by reference to Scale 1 where the teacher holds—

- (1) (a) the Teacher's Special Certificate awarded before 31st December 1959,
or
- (b) the Teacher's Special Certificate awarded after 31st December 1959,
with—
 - (i) a first class or second class honours degree of a Scottish University, or
 - (ii) the Associateship of the Royal College of Science and Technology with first class or second class honours, or
 - (iii) the Associateship of the Heriot-Watt College or of the Dundee Technical College obtained at a level which, in the opinion of the Secretary of State, would be accepted for the purpose of the award of a first class or second class honours degree of a Scottish University, or
- (c) the Teacher's Technical Certificate with—
 - (i) a first class or second class honours degree in agriculture of a Scottish University, or
 - (ii) a first class or second class honours degree in music of a Scottish University, or
 - (iii) a first class or second class honours degree in science (engineering) of a Scottish University, or
 - (iv) the Associateship of the Scottish College of Commerce with first class or second class honours, or
 - (v) the Associateship of the Royal College of Science and Technology or of the Heriot-Watt College, with first class or second class honours, or
 - (vi) the Associateship of the Heriot-Watt College obtained before the introduction of honours passes, or of the Dundee Technical College, obtained at a level which, in the opinion of the Secretary of State, would be accepted for the purpose of the award of a first class or second class honours degree in science (engineering) of a Scottish University,

and where the teacher is employed in a secondary school, or in a special school in which approved courses of secondary education are provided, or is employed as an educational psychologist ; or

- (2) the Teacher's Special Certificate awarded before 30th September 1945, and where the teacher on the said date occupied or had been appointed to a post of head teacher of a primary school and at that date the salary appropriate to the post included a basic salary calculated according to the education authority's scale for holders of the said Certificate teaching their special subjects in secondary departments or employed as head teachers, while he remains in the said post or in a post to which he is transferred at the desire of the education authority ; or
- (3) the Teacher's General Certificate or the Teacher's Technical Certificate—
 - (a) with—
 - (i) a first class or second class honours degree in psychology of a Scottish University, or
 - (ii) a degree of Bachelor of Education of a Scottish University
 where the teacher is employed as an educational psychologist, or

(b) where the teacher on 30th September 1945, occupied a teaching post in respect of which he was at that date being paid basic salary calculated according to the education authority's scale for holders of the Teacher's Special Certificate teaching their special subjects in secondary departments or employed as head teachers, while he remains in the said post or in a post to which he is transferred at the desire of the education authority.

Scale 2

2. The basic element shall be calculated by reference to Scale 2, where the teacher holds—

- (1) the Teacher's Special Certificate awarded after 31st December 1959, with a third class honours degree of a Scottish University, or
- (2) the Teacher's General Certificate or the Teacher's Technical Certificate with a first class or second class honours degree of a Scottish University which is not approved for the purpose of the grant of the Teacher's Special Certificate, or with the degree of Bachelor of Education of Edinburgh University, or
- (3) the Teacher's Technical Certificate with—
 - (a) a third class honours degree in agriculture of a Scottish University, or
 - (b) a third class honours degree in music of a Scottish University, or
 - (c) a third class honours degree in science (engineering) of a Scottish University,

and where the teacher is employed in a capacity described in sub-paragraph (1) of the last foregoing paragraph.

Scale 3

3. The basic element shall be calculated by reference to Scale 3 where the teacher is not employed wholly or mainly in a primary school, or in a special school in the instruction of pupils under the age of 12 years, or otherwise wholly or mainly in the provision of primary education and holds—

- (1) (a) the Teacher's General Certificate with a degree of a Scottish University and is not entitled to have the basic element of his salary calculated by reference to Scale 1 or Scale 2, or
- (b) being a man, the Teacher's General Certificate without a degree of a Scottish University, provided that before 1st January 1964, he began to attend, at a college of education, a course of training leading to the award of the said Certificate, or that part of a course of training related specifically to the award of the said Certificate, or
- (c) the Teacher's Technical Certificate with—
 - (i) the Diploma in Domestic Science, Group III, or Group I and Group II, or Group I with an approved endorsement in needlework or dress-making both obtained before 1937, being a Diploma of a Scottish Central Institution, or
 - (ii) the Diploma of the Royal College of Science and Technology, or
 - (iii) the Diploma of the Heriot-Watt College, or
 - (iv) the Diploma of Robert Gordon's Technical College (School of Engineering), or
 - (v) the Diploma of the Dundee Technical College, or
 - (vi) the Higher National Diploma, or
 - (vii) the Diploma in Educational Handwork of a College of Education supplemented, in the case of a person who has completed an approved apprenticeship or holds the Final Certificate (First Class) of the City and Guilds of London Institute, by the Higher National Certificate,

and where the teacher has been granted a qualification under Article 39 of the Training Regulations in a subject in which a qualification may be granted under Chapter V of the Training Regulations, or

(2) the Teacher's Technical Certificate with—

- (a) a degree of a Scottish University, where the basic element of the teacher's salary is not calculable by reference to Scale 1 or Scale 2, or
- (b) a diploma in art of a Scottish Central Institution, or
- (c) the Associateship of the Scottish College of Commerce without honours, or
- (d) the Teacher's Diploma of the Scottish College of Commerce, or
- (e) the Teacher's Diploma in Commercial Subjects of the Heriot-Watt College, or
- (f) the Diploma in Musical Education of the Royal Scottish Academy of Music, or
- (g) the Fellowship Diploma of the Royal College of Organists, or
- (h) the Associateship of the Royal College of Science and Technology, without honours, or
- (i) the Associateship of the Heriot-Watt College not obtained at the level described in sub-head (vi) of head (c) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, or
- (j) the Associateship of Robert Gordon's Technical College, or
- (k) the Graduate Diploma of the Royal Schools of Music, the Guildhall School of Music, the London College of Music or the Trinity College of Music.

Scale 4

4. The basic element shall be calculated by reference to Scale 4 where—

- (1) the teacher holds the Teacher's Special Certificate and where the teacher is not employed as described in sub-paragraph (1) or sub-paragraph (2) of paragraph 1 of this Part of this Schedule, or
- (2) the teacher holds the Teacher's General Certificate with a degree of a Scottish University and where the teacher is not entitled to have the basic element of his salary calculated by reference to Scale 1, Scale 2 or Scale 3, or
- (3) the teacher, being a man, holds the Teacher's General Certificate without a degree of a Scottish University, provided that before 1st January 1964, he began to attend, at a College of Education, a course of training leading to the award of the said Certificate, or that part of a course of training related specifically to the award of the said Certificate, and where the teacher is not entitled to have the basic element of his salary calculated by reference to Scale 3, or
- (4) the teacher holds the Teacher's Technical Certificate with one of the qualifications set forth in paragraph 3 of this Part of this Schedule and where the teacher is not entitled to have the basic element of his salary calculated by reference to Scale 3.

Scale 5

5. The basic element shall be calculated by reference to Scale 5 where—

- (1) the teacher holds the Teacher's Technical Certificate with—
 - (a) the Diploma in Physical Education of a College of Education obtained as a result of a course leading to the award of the Diploma and extending to not less than two years, where the course was completed before 1932, or not less than three years in other cases, or
 - (b) the Diploma in Educational Handwork of a College of Education supplemented by an Ordinary National Certificate and the Final Certificate (First Class) of the City and Guilds of London Institute, or
- (2) the teacher, being a woman, holds the Teacher's General Certificate with a Diploma in Physical Education obtained at a College of Education as a result of a course leading to the award of the Diploma extending to not more than one year and completed before October 1951, or

- (3) the teacher, being a man, holds the Teacher's Technical Certificate without a qualification described in the foregoing paragraphs of this Part of this Schedule or in the last foregoing sub-paragraph, and the teacher before 1st January 1956, began to attend a course of training at a College of Education leading to the award of the said Certificate.

Scale 6

6. The basic element shall be calculated by reference to Scale 6 where—
- (1) the teacher, being a woman, holds the Teacher's General Certificate without a degree of a Scottish University, obtained as a result of a course at a College of Education leading to the award of the Certificate and extending to not less than four years, or, where the course was completed before October 1933, extending to not less than three years, or
- (2) the teacher, being a man, holds the Teacher's Technical Certificate and the Teacher's General Certificate without a degree of a Scottish University obtained as a result of a course or courses at a College of Education leading to the award of the said Certificates and where the teacher began to attend the course leading to the award of the Teacher's General Certificate after 1st January 1964, or
- (3) the teacher, being a woman and not being a teacher to whom the provisions of sub-paragraph (2) of the last foregoing paragraph apply, holds the Teacher's General Certificate with a Diploma in Physical Education obtained at a College of Education as a result of a course leading to the award of the Diploma extending to not more than one year, or
- (4) the teacher holds the Teacher's Technical Certificate with—
- (a) a Diploma in Agriculture or in Horticulture of a Scottish Central Institution, or
- (b) the Diploma of the Royal Scottish Academy of Music, or
- (c) a combination of two Licentiateships or Associateships—
- (i) one from the following list of qualifications having a direct bearing on the teaching of music in schools—
- Licentiateship of the Royal Academy of Music (Aural Training)
 - Licentiateship of the Royal Academy of Music (Voice Culture and Class Singing)
 - Licentiateship of the Royal Academy of Music (School Music)
 - Associateship of the Royal College of Music (School Music Teaching)
 - Licentiateship of the Guildhall School of Music (Aural Training and Musical Appreciation)
 - Licentiateship of the Guildhall School of Music (Class Singing and Voice Training)
 - Licentiateship of the London College of Music (School Music)
 - Licentiateship of the Trinity College of Music (Class Music Teaching), and
- (ii) one from the following list of qualifications relating to performance on a musical instrument, singing, or the teaching of an instrument or of singing—
- Licentiateship of the Royal Academy of Music
 - Associateship of the Royal College of Music
 - Associateship of the Royal College of Organists
 - Licentiateship of the Guildhall School of Music
 - Licentiateship of the London College of Music
 - Licentiateship of the Trinity College of Music, or
- (d) the Diploma in Speech and Drama of the Royal Scottish Academy of Music, or

- (5) the teacher, being a man to whom sub-paragraph (3) of the last foregoing paragraph does not apply, or being a woman, holds the Teachers' Technical Certificate with a combination of external Licentiateships and Associateships in music not approved for the purpose of the last foregoing sub-paragraph or a single external Licentiateship or Associateship in music, and where the said Certificate was awarded or the teacher began to attend a course leading to the award of the said Certificate before 1st November 1956, or
- (6) the teacher, being a man, holds the Teacher's Technical Certificate with the Diploma in Educational Handwork of a College of Education not supplemented as described in sub-head (vii) of head (c) of sub-paragraph (1) of paragraph 3 of this Part of this Schedule, or as described in head (b) of sub-paragraph (1) of the last foregoing paragraph, and where he began to attend a course of training at a College of Education after 31st December 1955, but before 1st November 1956, with a view to obtaining the said Diploma, or
- (7) the teacher, being a man to whom sub-paragraph (3) of the last foregoing paragraph does not apply, holds the Teacher's Technical Certificate with the Diploma in Educational Handwork of a College of Education supplemented by the Higher National Certificate.

Scale 7

7. The basic element shall be calculated by reference to Scale 7 where—

- (1) the teacher, being a woman, holds the Teacher's General Certificate, without a degree of a Scottish University, obtained as a result of a course at a College of Education leading to the award of the Certificate extending to not less than three years, or, where the course was completed before October 1933, extending to not less than two years, or
- (2) the teacher holds the Teacher's Technical Certificate with—
 - (a) a Diploma in Domestic Science, Group I or Group II, of a Scottish Central Institution, or
 - (b) a combination of external Licentiateships or Associateships in music not approved for the purposes of the last foregoing paragraph, or a single external Licentiateship or Associateship or Diploma in music, and where in either case the said Certificate was awarded or the teacher began to attend a course leading to the award of the said Certificate after 31st October 1956, or
 - (c) the Diploma in Educational Handwork of a College of Education not supplemented as described in sub-head (vii) of head (c) of sub-paragraph (1) of paragraph 3 of this Part of this schedule or as described in head (b) of sub-paragraph (1) of paragraph 5 or as described in sub-paragraph (6) of paragraph 6 of the said Part and where the teacher began to attend a course leading to the award of the Diploma after 31st October 1956, or
- (3) the teacher holds the Teacher's Technical Certificate awarded under paragraph (bb) of Article 47 of the Training Regulations in respect of the possession of a qualification approved for the purposes of this sub-paragraph.

Scale 8

8. The basic element shall be calculated by reference to Scale 8 where the teacher holds the Teacher's Technical Certificate awarded under paragraph (bb) of Article 47 of the Training Regulations in respect of the possession of a qualification approved for the purposes of this paragraph.

Scale 9

9. The basic element shall be calculated by reference to Scale 9 where the teacher is an uncertificated teacher of technical subjects who on 31st March 1951, was qualified as described in serial number 18 of Part II of Schedule 1 to the Regulations of 1948 and who continues to occupy the same post, or a post to which he is transferred at the desire of the education authority.

PART II

BASIC SCALES

Service Year	Scale								
	1	2	3	4	5	6	7	8	9
	£	£	£	£	£	£	£	£	£
1st ...	900	870	820	730	665	675	600	590	570
2nd ...	960	915	850	760	690	695	620	610	585
3rd ...	1,020	960	880	790	715	715	640	630	600
4th ...	1,100	1,010	910	820	740	735	660	650	615
5th ...	1,200	1,100	990	900	770	800	680	670	630
6th ...	1,300	1,200	1,070	980	850	850	740	710	650
7th ...	1,400	1,275	1,130	1,040	930	900	790	760	700
8th ...	1,480	1,350	1,190	1,100	1,000	950	840	785	740
9th ...	1,570	1,425	1,250	1,160	1,050	990	890	810	770
10th ...	1,660	1,500	1,310	1,220	1,100	1,030	940	840	795
11th ...	1,750	1,575	1,370	1,270	1,150	1,070	990	870	820
12th ...	1,750	1,650	1,420	1,320	1,200	1,110	1,040	900	845
13th ...	1,750	1,750	1,470	1,370	1,250	1,150	1,090	930	870
14th ...	1,750	1,750	1,470	1,370	1,310	1,210	1,140	960	895
15th and subsequent years ...	1,750	1,750	1,470	1,370	1,370	1,275*	1,190*	990	920

* A teacher described in sub-paragraph (1) of paragraph 6 of Part I of this schedule or in sub-paragraph (1) of paragraph 7 of the said Part who, before 1st January 1920, entered upon training under Chapter III of the Regulations for the Preliminary Education, Training, and Certification of Teachers for Various Grades of Schools (Scotland) 1906 to 1915, or training which for the purposes of this schedule is approved as equivalent thereto, shall be entitled to further increments in the 16th, 17th and 18th service years as follows—

Service Year	Scales	
	6	7
	£	£
16th ...	1,300	1,250
17th ...	1,330	1,310
18th ...	1,370	1,370

Regulation 18

SCHEDULE 2

PART I

RESPONSIBILITY ELEMENT OF SALARIES OF TEACHERS EMPLOYED IN
POSTS OF SPECIAL RESPONSIBILITY IN SCHOOLS

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
GROUP A		
<i>Head Teacher of:—</i>		
1	a primary school	10
2	a secondary school	10 and 11
3	a secondary school making provision for a course of secondary education leading to presentation for the Scottish Certificate of Education and extending over not less than four years;	10, 11 and 12
4	a school for deaf or partially deaf pupils;	13
5	a school for blind or partially sighted pupils;	14
6	a school for mentally handicapped pupils;	14
7	a school for epileptic pupils;	10
8	a school for pupils suffering from speech defect;	10
9	a school for maladjusted pupils;	10
10	a school for physically handicapped pupils;	10
11	a school for pupils of two or more of the categories described opposite to serial numbers 7, 8, 9 and 10;	10
12	a school for pupils of two or more of the categories described opposite to serial numbers 4, 5, 6, 7, 8, 9 and 10 not being a school described opposite to serial number 11.	14 or the sum which would be payable under Scale 13 if the school consisted only of the part for deaf or partially deaf pupils, whichever is the greater.

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
13	<i>Deputy Head Teacher, Second Master, First Assistant or Senior Woman Assistant</i> in a primary school or in a school described opposite to any of serial numbers 4 to 12 of this Part of this schedule.	Forty per cent. of the amount that would be payable under the relevant Scale to the Head Teacher if the school consisted only of the part or parts which the teacher concerned is appointed to supervise; provided that in the case of a primary school such part or parts in the case of a teacher who occupies the post which he occupied on 31st March 1948, shall be deemed to be the whole primary school or primary department and, in the case of a Senior Woman Assistant, shall be deemed to be the whole primary school or primary department and the parts, if any, of a secondary department that she is appointed to supervise.
14	<i>Infant Mistress</i> in a primary school.	Forty per cent. of the amount that is payable under Scale 10 to the Head Teacher where the school is a school as described opposite to serial number 1, or that would be so payable in the case of a school as described opposite to serial number 2 or serial number 3 if the school consisted only of the primary department.
15	<i>Deputy Head Teacher, Second Master, or First Assistant</i> in a school as described opposite to serial number 2 or serial number 3 of this Part of this schedule.	Forty per cent. of the amount which would be payable under Scales 10, 11 and 12 to the Head Teacher if the school consisted only of the part or parts which the teacher concerned is appointed to supervise.
16	<p data-bbox="183 1330 549 1412"><i>Teacher wholly responsible to the Head Teacher for a group of classes for handicapped children.</i></p> <p data-bbox="183 1430 549 1707"><i>Principal Teacher of a subject or combination of subjects in which there is an aggregate of not less than 40 hours per week of instruction (calculated in accordance with the provisions of paragraph (8) of Regulation 6 of the Code) in the secondary department of the school or secondary departments of the schools in which the teacher is employed:—</i></p>	17

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
17	(a) being a school or schools as described opposite to serial number 2 of this Part of this schedule;	15
18	(b) being or including a school or schools as described opposite to serial number 3 of this Part of this Schedule.	15 and 16
	<i>Principal Teacher of a subject or combination of subjects in which there is an aggregate of less than 40 hours per week of instruction (calculated in accordance with the provisions of paragraph (8) of Regulation 6 of the Code) in the secondary department of the school or the secondary departments of the schools in which the teacher is employed:—</i>	
19	(a) being a school or schools as described opposite to serial number 2 of this Part of this schedule;	£75
20	(b) being or including a school or schools as described opposite to serial number 3 of this Part of this schedule;	£125
21	A combined post as a <i>Deputy Head Teacher, Second Master or First Assistant</i> as described opposite to serial number 15 of this Part of this schedule and as a <i>Principal Teacher</i> as described opposite to serial number 17, or serial number 18, or serial number 19, or serial number 20 of this Part of this schedule.	The sum payable under the provisions of serial number 15 together with fifty per cent. of the sum payable under the provisions of serial numbers 17, 18, 19 or 20 whichever is applicable.
	<i>Teacher whose duties include those of Woman Adviser in accordance with the provisions of paragraph (7) of Regulation 6 of the Code or in a secondary department to which the provisions of the said paragraph do not apply:—</i>	
22	(a) in a school as described opposite to serial number 2 of this Part of this schedule;	15
23	(b) in a school as described opposite to serial number 3 of this Part of this schedule.	15 and 16

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
24	A combined post as a <i>Woman Adviser</i> as described opposite to serial number 22 or serial number 23 of this Part of this Schedule and as a <i>Principal Teacher</i> as described opposite to serial number 17, or serial number 18, or serial number 19, or serial number 20 of this Part of this schedule.	The sum payable under serial number 22 or serial number 23 as the case may be together with thirty per cent. or twenty per cent. of the said sum according to whether the number of hours per week of instruction in the subject or combination of subjects of which she is Principal Teacher is not less than or is less than 40 (calculated in accordance with the provisions of paragraph (8) of Regulation 6 of the Code).
25	<i>Special Assistant Teacher</i> in a school being or including a school as described opposite to serial number 3 of this Part of this Schedule.	£100
26	<i>Teacher in charge</i> , under an arrangement made by the education authority under section 14 of the Act of 1962, of the education of pupils who are patients in a hospital.	17
27	<p style="text-align: center;">GROUP B</p> <p><i>Head Teacher of a school who is required to supervise teachers who are employed to teach pupils elsewhere than at an educational establishment</i> in accordance with special arrangements made and approved under section 14 of the Act of 1962.</p> <p><i>Head Teacher, Deputy Head Teacher, Second Master, First Assistant or Senior Woman Assistant</i> of a school described opposite to any of serial numbers 4 to 12 of this Part of this schedule whose work in connection with the provision made for pupils of 12 years of age or over, in the opinion of the Secretary of State, imposes on the Head Teacher, Deputy Head Teacher, Second Master, First Assistant or Senior Woman Assistant not less special responsibility than is imposed by the secondary course on:—</p>	Where such employment is whole-time employment £30 in respect of each such teacher supervised, and where it is part-time employment that sum which bears the same relation to £30 as the part-time employment bears to whole-time employment, provided that the amount of the increase shall not exceed £75.
28	(a) the <i>Head Teacher</i> of a school described opposite to serial number 2 of this Part of this schedule with 100 or less pupils in secondary classes;	£100

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
29.	(b) the Deputy Head Teacher, Second Master, First Assistant or Senior Woman Assistant of a school described opposite to serial number 2 of this Part of this schedule with 100 or less pupils in secondary classes;	£35
30	(c) the Head Teacher of a school described opposite to serial number 3 of this Part of this schedule with 50 or less pupils in the 4th, 5th and later years of the secondary course;	£160
31	(d) the Deputy Head Teacher, Second Master, First Assistant or Senior Woman Assistant of a school described opposite to serial number 3 of this Part of this schedule with 50 or less pupils in the 4th and later years of the secondary course leading to presentation for the Scottish Certificate of Education.	£55
32	<p style="text-align: center;">GROUP C</p> <p><i>Teacher who is employed whole-time as Organiser or Supervisor of a Technical Subject.</i></p>	<p>£545 plus either (a) £1 8s. 6d. in respect of each thousand of the number arrived at by dividing the total number of pupils on the roll of the public schools and, for whole-time work, on the roll of continuation classes or further education centres in the education area by the number of supervisors or organisers of the relative technical subject employed by the education authority, or (b) £300, whichever is the less. For the purpose of the calculation the said total number of pupils shall be taken to be one-third of the sum of the average numbers of pupils in attendance during the school years that began in 1959, 1960 and 1961, and the number of supervisors or organisers of the relative technical subjects shall be the number normally employed by the education authority.</p>
33	<i>Teacher who is employed whole-time as a Principal Educational Psychologist.</i>	<p>£545 plus either (a) £1 8s. 6d. in respect of each thousand of the pupils on the roll of the public schools in the education area, or (b) £300 whichever is the less. For the purpose of the calculation the said total number of pupils shall be taken to be one-third of the sum of the average numbers of pupils in attendance during the school years that began in 1959, 1960 and 1961.</p>

Serial Number (1)	Post held by Teacher (2)	Scale or Scales in Part II of this schedule, or amount of increase (3)
34	<i>Teacher who is employed whole-time as a Senior Assistant Educational Psychologist or as a sole Educational Psychologist.</i>	£215
35	<i>Teacher who is employed whole-time as an Assistant Educational Psychologist.</i>	£70
GROUP D		
<i>Teacher employed as a Speech Therapist:—</i>		
36	(a) who holds an approved special qualification for the post;	£140
37	(b) who does not hold such a qualification.	£60

PART II

SCALES REFERRED TO IN COLUMN (3) OF PART I OF THIS SCHEDULE

Serial Number (1)	Scale (2)	Average number of pupils in attendance as calculated in accordance with Regulation 18(6) of these regulations (3)	Amount of Increase (4)
38	10	In the whole school:—	£
		50 or less (a)	175
		51- 100 (b)	225
		101- 180 (c)	325
		181- 450 (d)	425
		451- 600 (e)	550
		601- 800 (f)	700
		801-1,000 (g)	775
		1,001 or more (h)	850
39	11	In secondary classes:—	
		100 or less (a)	125
		101- 180 (b)	175
		181- 450 (c)	225
		451- 600 (d)	275
		601- 800 (e)	325
		801-1,000 (f)	350
		1,001 or more (g)	375
40	12	In the 4th and later years of the secondary course leading to presentation for the Scottish Certificate of Education:—	
		50 or less (a)	160
		51- 100 (b)	210
		101- 200 (c)	325
		201- 300 (d)	375
		301- 400 (e)	425
		401 or more (f)	475

Serial Number (1)	Scale (2)	Average number of pupils in attendance as calculated in accordance with Regulation 18(6) of these regulations (3)	Amount of Increase (4)
			£
41	13	In the whole school:— 10 or less (a) 11– 30 (b) 31– 60 (c) 61– 100 (d) 101 or more (e)	130 205 270 350 430
42	14	In the whole school:— 20 or less (a) 21– 60 (b) 61– 100 (c) 101– 160 (d) 161– 250 (e) 251– 300 (f) 301– 350 (g) 351 or more (h)	130 205 270 350 430 495 560 615
43	15	In secondary classes:— 450 or less (a) 451– 600 (b) 601– 800 (c) 801– 1,000 (d) 1,001 or more (e)	90 140 190 240 275
44	16	In 4th and later years of the secondary course leading to presentation for the Scottish Certificate of Education:— 50 or less (a) 51– 100 (b) 101– 200 (c) 201– 300 (d) 301– 400 (e) 401 or more (f)	90 120 150 190 220 250
45	17	In a group of special classes:— 20 or less (a) 21– 60 (b) 61– 100 (c) 101– 160 (d) 161– 250 (e) 251 or more (f)	65 110 150 195 240 300

SCHEDULE 3

Regulations 22
and 26CLASSIFICATION OF TEACHERS EMPLOYED IN FURTHER EDUCATION CENTRES
BY THEIR QUALIFICATIONS

PART IA

QUALIFICATIONS ENTITLING TEACHERS TO BE CLASSIFIED IN GROUP IA

1. An approved degree of a Scottish University with first class or second class honours.
2. Associateship of the Royal College of Science and Technology, Glasgow, obtained before 1951.
3. Associateship of the Royal College of Science and Technology, Glasgow, with first class or second class honours, obtained in 1951 or later.
4. Associateship of the Heriot-Watt College, Edinburgh, with first class or second class honours.
5. Associateship of the Scottish College of Commerce, with first class or second class honours.
6. Associateship of the Royal Institute of Chemistry, provided that the Associate has passed the Associateship Examination or an examination accepted by the Institute as giving exemption from the Associateship Examination.
7. Any other qualification or combination of qualifications approved by the Secretary of State.

PART IB

QUALIFICATIONS ENTITLING TEACHERS TO BE CLASSIFIED IN GROUP IB

1. An approved degree of a Scottish University with third class honours.
2. Any other qualification or combination of qualifications approved by the Secretary of State.

PART II

QUALIFICATIONS ENTITLING TEACHERS TO BE CLASSIFIED IN GROUP II

1. Degree of a University in the United Kingdom not entitling the teacher to be classified in Group IA or Group IB.
2. Associateship of the Royal College of Science and Technology, Glasgow, obtained in 1951 or later without honours.
3. Associateship of the Heriot-Watt College, Edinburgh.
4. Diploma of a Scottish Central Institution in engineering, science, mining or building.
5. Higher National Diploma.
6. Associateship of the Royal College of Science, London.
7. Associate Membership of the Institution of Civil Engineers, the Institution of Mechanical Engineers or the Institution of Electrical Engineers provided that the Associate Member has passed the Associate Membership Examination, or an examination accepted by the Institution as giving exemption from the Associate Membership Examination.

8. Associate Membership by examination of the Institution of Chemical Engineers.
9. Associate Membership of the Institution of Structural Engineers, provided that the Associate Member has passed the Associate Membership Examination after 1st April 1935, or an examination accepted after that date by the Institution as giving exemption from the Associate Membership Examination.
10. Associate Membership by examination of the Institution of Production Engineers, provided that the Associate Member has passed the Associate Membership Examination after 1st May 1951, or an examination accepted after that date by the Institution as giving exemption from the Associate Membership Examination.
11. Associate Membership by examination of the British Institution of Radio Engineers, provided that the Associate Member has passed Parts III and IV of the graduateship examination after 1st May 1951.
12. Associateship of the Institution of Metallurgists obtained by examination held after 1st August 1949.
13. Associateship of the Institute of Physics, provided that the Associate has passed the Associateship Examination or an examination accepted by the Institute as giving exemption from the Associateship Examination.
14. Pharmaceutical Chemist qualification by examination of the Pharmaceutical Society of Great Britain.
15. Professional Associateship of the Royal Institution of Chartered Surveyors (formerly Professional Associate of the Surveyors Institution).
16. Associateship of the Institute of Builders, provided that the Associate has passed the Final Examination or an examination accepted by the Institute as giving exemption from the Final Examination.
17. Associateship of the Royal School of Mines.
18. Associate Membership by examination of the Institution of Mining Engineers.
19. First-Class Colliery Manager's Certificate together with the Diploma of a Mining College recognised by the Ministry of Fuel and Power.
20. Associateship of the Textile Institute, provided that the Associate has passed the examination in general textile technology.
21. Extra-Master's Certificate of Competency of the Ministry of Transport by examination passed after 1st March 1931.
22. Extra First-Class Engineer's Certificate of Competency of the Ministry of Transport.
23. Associateship of the Scottish College of Commerce, without honours.
24. Teacher's Diploma of the Scottish College of Commerce.
25. Membership of the Institute of Chartered Accountants of Scotland, Associateship of the Institute of Chartered Accountants in England and Wales, Associateship of the Society of Incorporated Accountants, or Associateship of the Association of Certified and Corporate Accountants, provided that the Member or Associate has passed the Final Examination or an examination accepted by the Institute, Society or Association as giving exemption from the Final Examination.
26. Fellowship of the Faculty of Actuaries in Scotland or Associateship of the Institute of Actuaries, provided that the Fellow or Associate has passed the Final

Examination or an examination accepted by the Faculty or Institute as giving exemption from the Final Examination.

27. Diploma in musical education, in dramatic art or in speech and drama of the Royal Scottish Academy of Music.

28. Art Diploma of a Scottish Central Institution.

29. Domestic Science Diploma (Group III) of a Scottish Central Institution.

30. Certificate of registration as a Sister Tutor granted by the General Nursing Council for Scotland.

31. Associate Membership of the Institution of Naval Architects.

32. Fellowship of the Scottish Association of Opticians.

33. Membership by examination of the Institutional Management Association.

34. Diploma of the Scottish Hotel School.

35. Membership by examination of the Hotel and Catering Institute.

36. Any other qualification or combination of qualifications approved by the Secretary of State.

PART III

QUALIFICATIONS ENTITLING TEACHERS TO THE FULL BENEFITS OF SCALE 35

1. Diploma in Educational Handwork of a College of Education.

2. Higher National Certificate.

3. Full Technological Certificate of the City and Guilds of London Institute.

4. Higher Certificate in Gas Engineering.

5. Higher Scottish Certificate in Plumbing.

6. Masters' (foreign-going) Certificate of Competency of the Ministry of Transport.

7. First-Class Engineer's Certificate of Competency of the Ministry of Transport.

8. Senior Certificate of the Royal College of Science and Technology, Glasgow, in engineering or building construction.

9. First-Class Colliery Manager's Certificate of the Ministry of Fuel and Power.

10. Scottish Diploma in Agriculture.

11. Scottish Diploma in Horticulture.

12. Scottish Diploma in Dairying.

13. Scottish Diploma in Poultry-keeping.

14. Associateship of the Chartered Institute of Secretaries.

15. Membership of the Institute of Bankers in Scotland.

16. Associateship of the Chartered Insurance Institute.

17. Associateship of the Corporation of Secretaries.

18. Domestic Science Diploma (Groups I or II) of a Scottish Central Institution.

19. National Institutional and Catering Management Certificate of the Institutional Management Association.

20. Recognition as a Registered General Nurse.

21. Diploma in Physical Education of a College of Education.

22. A qualification under the Training Regulations.

23. Fellowship of the Incorporated British Institute of Certified Carpenters.
24. Corporate Membership of the Institute of Marine Engineers.
25. Diploma of the Associated Institute of Trichologists.
26. Scottish Proficiency Certificate in Breadmaking and Confectionery with endorsements.
27. National Diploma in Catering and Hotelkeeping.
28. Intermediate Membership (Parts I and II) of the Hotel and Catering Institute.
29. Any other qualification or combination of qualifications approved by the Secretary of State.

Regulations 23 and 25

SCHEDULE 4

CLASSIFICATION OF POSTS IN FURTHER EDUCATION CENTRES
BY THE LEVEL OF WORK

PART I

CATEGORIES OF WORK REQUIRED FOR CLASSIFICATION OF POSTS IN GRADE I

1. Teaching in a course leading to a Higher National Certificate awarded by or in conjunction with the Scottish Education Department.
2. Teaching in the second or third year of a course leading to a Higher National Diploma awarded by or in conjunction with the Scottish Education Department.
3. Teaching in a course leading to the Extra-Master's, Master's, Extra First-Class Engineer's or First-Class Engineer's Certificate of Competency awarded by the Ministry of Transport.
4. Teaching in an advanced course leading to an Advanced Commercial or Secretarial Certificate awarded by the Scottish Council for Commercial Education or in the final subjects of a course leading to Membership of one of the professional bodies constituting the said Council.
5. Teaching in a course in Industrial Administration taken as a supplementary Certificate subject for a Higher National Certificate.
6. Teaching in a course leading to the Honours Examination of the Association of Mining, Mechanical and Electrical Engineers.
7. Other work which is considered by the education authority to be of equivalent standard.

PART II

CATEGORIES OF WORK REQUIRED FOR CLASSIFICATION OF POSTS IN GRADE II

1. Teaching in a course leading to an Ordinary National Certificate awarded by or in conjunction with the Scottish Education Department.
2. Teaching in a course leading to an Ordinary National Diploma awarded by or in conjunction with the Scottish Education Department.
3. Teaching in one of the main subjects of a course of the City and Guilds of London Institute above the intermediate level or in the final stage of any ancillary

subject the whole or part of which is an essential part of the final examination of such a course.

4. Teaching in a course leading to the Mate's or Second-Class Engineer's Certificate of Competency awarded by the Ministry of Transport.

5. Teaching in a senior course leading to a Senior Commercial or Secretarial Certificate awarded by the Scottish Council for Commercial Education or in the intermediate subjects of a course leading to Membership of one of the professional bodies constituting the said Council.

6. Teaching in the professional subjects of a pre-nursing course on the level required for Part I of the Preliminary Examination of the General Nursing Council for Scotland.

7. Teaching in a course leading to the Advanced Commercial Certificate of the Royal Society of Arts.

8. Teaching in a course leading to the Scottish Certificate of Education on the Higher grade.

9. Teaching in a course leading to the General Certificate of Education at Advanced Level.

10. Teaching in a course leading to the final examinations in Law, Accounting and Office Organisation for Testamur of the Institute of Public Cleansing.

11. Teaching in a course leading to the Certificate in Foremanship and Supervision awarded by the British Institute of Management.

12. Other work which is considered by the education authority to be of equivalent standard.

SCHEDULE 5

Regulation 24

ASSESSMENT OF VOLUME AND LEVEL OF WORK OF FURTHER EDUCATION CENTRES

1. The education authority shall ascertain from their records or, if such records are incomplete or are not available, shall estimate the number of teacher-meetings held during the standard year by each teacher employed, whether permanently or temporarily and whether whole-time or part-time for the whole or for any part of the year in the further education centre.

2. A teacher-meeting held by a teacher who falls within a description given in column (2) opposite to any serial number of the following table shall be valued at the number of points shown opposite to that serial number in column (3) of the said table :

Provided that the number of points to be counted in respect of a teacher-meeting held by a teacher who does not fall within any of the descriptions in the said table shall be decided by the education authority.

TABLE

Serial Number (1)	Description of Teacher (2)	Number of points (3)
46	A teacher who was a principal, depute principal, head of department or senior assistant teacher within the meaning of the Regulations of 1959 during the standard year.	10
47	An assistant teacher whose salary was calculated by reference to Scale LIV or LV of the Regulations of 1959 during the standard year.	10
48	An assistant teacher whose salary was calculated by reference to Scale LVI of the Regulations of 1959 during the standard year.	8
49	An assistant teacher whose salary was calculated by reference to Scale LVII of the Regulations of 1959 during the standard year.	7

3. The number of teacher-meetings as ascertained or estimated to have been held by each teacher under paragraph 1 of this schedule shall be multiplied by the number of points appropriate to that teacher as shown in the last foregoing paragraph; the points attributed to all teachers employed during the standard year shall be added together; and the resulting total shall be the index figure of the volume and level of work of the centre in the calculation of the salaries of teachers holding posts of special responsibility:

Provided that where in any further education centre the responsibilities of a teacher in a post of special responsibility extend only to morning and afternoon meetings a separate index shall be calculated from which points in respect of evening meetings shall be excluded.

SCHEDULE 6

Regulation 25

**SALARY SCALES FOR PRINCIPALS AND DEPUTE PRINCIPALS
OF FURTHER EDUCATION CENTRES**

PART I

**APPLICATION OF THE SCALES IN PART II
TO THE SALARIES OF PRINCIPALS AND DEPUTE PRINCIPALS**

Serial Number (1)	Scale in Part II		Range of Index Figures (4)
	Principals (2)	Depute Principals (3)	
50	18	20	Over 300,000
51	19	21	270,001 to 300,000
52	22	26 or 27	240,001 to 270,000
53	23	27 or 28	210,001 to 240,000
54	24	27 or 28	180,001 to 210,000
55	25	28 or 29	150,001 to 180,000
56	26	28 or 29	120,001 to 150,000
57	27	29 or 30	90,001 to 120,000
58	28	29 or 30	60,001 to 90,000
59	29	30 or 31	30,001 to 60,000
60	30	31	30,000 or under

PART II
SCALES FOR PRINCIPALS AND DEPUTE PRINCIPALS

		Scales												
Year of Service in Post	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	£	£	£	£	£	£	£	£	£	£	£	£	£	£
1st	2,970	2,805	2,640	2,475	2,310	2,145	1,980	1,815	1,650	1,485
2nd	3,055	2,890	2,725	2,560	2,395	2,230	2,065	1,900	1,735	1,570
3rd	2,795	2,715	3,135	2,970	2,805	2,640	2,475	2,310	2,145	1,980	1,815	1,650
4th	3,390	2,715	3,220	3,055	2,890	2,725	2,560	2,395	2,230	2,065	1,900	1,735
5th and each further year	3,475	2,715	3,300	3,135	2,970	2,805	2,640	2,475	2,310	2,145	1,980	1,815

SCHEDULE 7

Regulation 26

SALARY SCALES FOR HEADS OF DEPARTMENTS, SENIOR ASSISTANT TEACHERS AND ASSISTANT TEACHERS EMPLOYED IN FURTHER EDUCATION CENTRES

PART I

APPLICATION OF THE SCALES IN PART II TO THE SALARIES OF HEADS OF DEPARTMENTS, SENIOR ASSISTANT TEACHERS AND ASSISTANT TEACHERS

Serial Number (1)	Scale in Part II (2)	Group of Teacher and Grade of Post occupied (3)
61	32	Group IA teachers, and other teachers occupying Grade I posts.
62	33	Group IB teachers occupying Grade II or Grade III posts.
63	34	Group II teachers occupying Grade II or Grade III posts and Group III teachers occupying Grade II posts.
64	35	Group III teachers occupying Grade III posts.

PART II

SCALES FOR HEADS OF DEPARTMENTS, SENIOR ASSISTANT TEACHERS AND ASSISTANT TEACHERS

Service Year	Scales			
	32	33	34	35
	£	£	£	£
1st	1,020	970	835	735
2nd... ..	1,090	1,020	865	765
3rd	1,160	1,070	900	795
4th	1,260	1,120	975	825
5th	1,360	1,170	1,050	855
6th	1,460	1,270	1,125	920
7th	1,560	1,370	1,190	985
8th	1,650	1,470	1,250	1,050
9th	1,740	1,560	1,310	1,115
10th	1,830	1,650	1,370	1,180
11th	1,920	1,740	1,430	1,240
12th	1,920	1,830	1,490	1,300
13th	1,920	1,920	1,560	1,360
14th and subsequent years	1,920	1,920	1,560	1,420

Regulation 26

SCHEDULE 8

ADDITIONS TO SALARY SCALES OF HEADS OF DEPARTMENTS AND SENIOR ASSISTANT
TEACHERS IN RESPECT OF SPECIAL RESPONSIBILITY IN FURTHER EDUCATION CENTRES

Serial Number	Amount of Addition				Range of Index Figures
	Head of Department		Senior Assistant Teacher		
	Not less than (2)	Not more than (3)	Not less than (4)	Not more than (5)	
(1)	£	£	£	£	(6)
65	420	560	350	480	Over 240,000
66	380	525	300	455	210,001 to 240,000
67	345	495	270	425	180,001 to 210,000
68	270	425	190	345	120,001 to 180,000
69	190	300	80	215	60,001 to 120,000
70	80	190	45	130	60,000 or under

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Provision

SCHEDULE 9

Regulation 46

REGULATIONS REVOKED

<i>Short Title</i>		<i>Reference</i>
The Teachers' Salaries (Scotland) Regulations 1963	...	... S.I. 1963/1525 (1963 III, p. 2810)
The Teachers' Salaries (Scotland) (Amendment No. 4) Provisional Regulations 1963.	...	... S.I. 1963/1581 (1963 III, p. 2962)

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe the scales of salary to be paid by education authorities to teachers employed whole-time in the period 16th June 1964 to 31st March 1966. They repeat the provisions of the Teachers' Salaries (Scotland) Regulations 1963, with minor modifications consequential on the constitution by the Secretary of State of the Scottish Joint Council for Teachers' Salaries.



 STATUTORY INSTRUMENTS

1964 No. 830

POLICE**ENGLAND AND WALES****The Police (Promotion) (Amendment) Regulations 1964**

Made - 9th June 1964
 Coming into Operation 1st July 1964

I, the Right Honourable Henry Brooke, M.P., one of Her Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section 4 of the Police Act 1919(a), hereby make the following Regulations:—

1. In Regulation 1(1)(d) of the Police (Promotion) Regulations 1956(b), as amended(c) (which relates to the qualifying service for promotion from constable to sergeant), for the words "five years' service" there shall be substituted the words "four years' service".

2. In paragraph 5(2) of the Schedule to the said Regulations of 1956 (which relates to the service a constable must complete before taking the examination in police subjects for promotion from constable to sergeant) for the words "four years' service" there shall be substituted the words "three years' service".

3. These Regulations may be cited as the Police (Promotion) (Amendment) Regulations 1964 and shall come into operation on 1st July 1964.

Henry Brooke,
 One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 9th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Police (Promotion) Regulations 1956 and provide that the normal qualifying service for promotion from constable to sergeant shall be reduced from 5 years to 4 years and that the examination in police subjects for such promotion may be taken after 3 instead of 4 years' service.

 (a) 9 & 10 Geo. 5. c. 46.

(b) S.I. 1956/1532 (1956 II, p. 1801).

(c) S.I. 1961/1793 (1961 III, p. 3424).

1964 No. 831

POLICE

ENGLAND AND WALES

The Police (Amendment) (No. 2) Regulations 1964

Made - 9th June 1964
Coming into Operation 1st July 1964

I, the Right Honourable Henry Brooke, M.P., one of Her Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section 4 of the Police Act 1919(a), hereby make the following Regulations:—

1. In Regulation 5(b) of the principal Regulations (which relates to qualifications for appointment to a police force) the words "or in the case of an appointment as chief constable, not have attained forty years of age" shall be omitted and for the words "or chief constable who has attained thirty, thirty-five or forty" there shall be substituted the words "who has attained thirty or thirty-five".

2. For Regulation 6 of the principal Regulations (which relates to the appointment of chief constables) there shall be substituted the following Regulation:—

"Appointment of chief constable

6. Every appointment to the post of chief constable shall be subject to the approval of the Secretary of State and, without prejudice to Regulations 4 and 5 of these Regulations, no person shall be appointed to such a post in a police force unless he has at least two years' experience in some other force in the rank of inspector or a higher rank."

3.—(1) In paragraph (1) of Regulation 10A of the principal Regulations (which relates to constables promoted to the rank of sergeant during and after a Police College special course) for the words "five years' service" there shall be substituted the words "four years' service".

(2) In paragraph (4) of the said Regulation 10A for the words "five years' service" there shall be substituted the words "four years' service".

4. In these Regulations any reference to the principal Regulations is a reference to the Police Regulations 1952(b), as amended(c).

5. These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1964 and shall come into operation on 1st July 1964.

Henry Brooke,
 One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 9th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Police Regulations 1952.

Regulation 2 provides that no person shall be appointed the chief constable of a police force unless he has at least two years' experience in some other force in the rank of inspector or a higher rank and Regulation 1 makes amendments consequential thereon.

Regulation 3 is consequential on the Police (Promotion) (Amendment) Regulations 1964 (S.I. 1964/830), which reduce the normal qualifying service for promotion from constable to sergeant from 5 years' to 4 years' service.

1964 No. 840

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Cereals (Guarantee Payments) Order 1964

<i>Made</i>	<i>9th June 1964</i>
<i>Laid before Parliament</i>	<i>15th June 1964</i>
<i>Coming into Operation</i>	<i>1st July 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly, in exercise of the powers conferred upon them by sections 1, 35(3) and 36(3) of the Agriculture Act 1957(a), and of all other powers enabling them in that behalf, with the consent of the Treasury and after consultation with such bodies of persons as appear to the said Ministers to represent the interests of producers of cereals, hereby make the following order:—

Citation, commencement, interpretation and revocation

1. This order may be cited as the Cereals (Guarantee Payments) Order 1964; and shall come into operation on 1st July 1964.

2.—(1) In this order, except where the context otherwise requires—

“cereals” means wheat, rye, oats or barley;

“determined” means determined by the Minister with the approval of the Treasury and as respects any guaranteed price to be determined in pursuance of this order means so determined by the Minister from time to time in the light of the conclusions of the Ministers from a review held under section 2 of the Agriculture Act 1947(b);

“guaranteed price”, “target indicator price”, “standard quantity”, “annual production” and “average realised price” mean respectively the prices and quantities determined or ascertained pursuant to article 3 of this order;

“millable rye” means rye which is sweet and in fair merchantable condition, reasonably free from sprouted grains, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour or meal fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning rye;

“millable wheat” means wheat which is sweet and in fair merchantable condition, reasonably free from sprouted or smutty grains, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning wheat;

“the Minister” in relation to any part of the United Kingdom means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and either or both of the others acting jointly ;

“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 ;

“registered grower”, in relation to any cereals, means the person for the time being registered by the Minister, in such manner and subject to such conditions as he may from time to time specify, as the grower of those cereals for the purposes of this order ;

“year” means a period of twelve months commencing with the first day of July in any calendar year.

(2) The Cereals (Deficiency Payments) Order 1955(a) and the Cereals (Deficiency Payments) (Amendment) Order 1961(b) are hereby revoked.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

Guarantee payments for wheat and barley

3.—(1) In respect of each year there shall be determined for wheat and barley respectively—

- (a) a guaranteed price per hundredweight ;
- (b) a target indicator price, being a price per hundredweight determined by the Minister with the approval of the Treasury having regard to the minimum import price levels prescribed for wheat and barley respectively by order under section 1(2) of the Agriculture and Horticulture Act 1964(d) ; and
- (c) a standard quantity.

(2) In respect of each year the Minister shall ascertain in such manner and at such time as appears to him proper for wheat and barley respectively—

- (a) the quantity produced (hereinafter referred to as the “annual production”) ;
- (b) the average realised price per hundredweight obtained by producers.

4. If in any year the annual production of wheat or barley—

- (a) is not less than the standard quantity the guarantee payment shall be the amount, if any, by which the guaranteed price exceeds the target indicator price, or the average realised price, whichever is the higher, after that amount has been divided by the proportion that the standard quantity bears to the annual production ;
- (b) is less than the standard quantity and the average realised price is higher than the target indicator price the guarantee payment shall be the amount, if any, by which the guaranteed price exceeds the average realised price to which amount shall be added a proportion of the amount by which the average realised price exceeds the target indicator price, arrived at in accordance with arrangements determined by the Minister ;
- (c) is less than the standard quantity and the average realised price is equal to or lower than the target indicator price the guarantee payment

(a) S.I. 1955/962 (1955 I, p. 80).
(c) 52 & 53 Vict. c. 63.

(b) S.I. 1961/1072 (1961 II, p. 2056).
(d) 1964 c. 28.

shall be the amount by which the guaranteed price exceeds the average realised price :

Provided that where the annual production falls short of the standard quantity by such amount as may from time to time be determined by the Minister and the average realised price is lower than the target indicator price, any guarantee payment under this paragraph shall be reduced by a proportion of the difference between the average realised price and the target indicator price arrived at in accordance with a scale determined by the Minister.

5.—(1) Any guarantee payment relating to wheat ascertained pursuant to article 4 of this order may be made by the Minister subject to such conditions as he may from time to time with the approval of the Treasury specify, in respect of every hundredweight of millable wheat which is shown to his satisfaction to have been despatched or delivered during the year to, or in accordance with the instructions of, a purchaser thereof.

(2) Any guarantee payment relating to barley ascertained pursuant to article 4 of this order shall be subject to such conditions as the Minister may from time to time with the approval of the Treasury specify and may—

(a) be made in respect of any land which is shown to the satisfaction of the Minister to have been used for the purpose of growing barley for harvesting during the year, being barley harvested as grain, or available at such date as he may specify for harvesting as grain :

(b) be made at such a rate per acre as may be ascertained by the Minister, being a rate calculated by reference to the guarantee payment ascertained pursuant to article 4 hereof and the average yield of barley in hundredweights per acre in the United Kingdom ascertained by the Minister during such period as may appear to him to be appropriate :

Provided that—

(i) in the case of any barley which is despatched or delivered by or on behalf of the registered grower during the year in question to, or in accordance with the instructions of, a purchaser thereof the Minister may, subject to such conditions as he may from time to time with the approval of the Treasury specify, make a deduction from or addition to the amount of any payment which might have been made under the foregoing provisions of this article (adjusted as circumstances may require in consequence of the provisions of sub-paragraph (ii) hereof) at such a rate in respect of each hundredweight of barley despatched or delivered as aforesaid as the Minister may, if he thinks fit and with the approval of the Treasury, specify in relation to that part of the year in which the barley is despatched or delivered ;

(ii) in the event of the total of any such additions in respect of barley despatched or delivered as aforesaid in any year exceeding or being less than the total of any such deductions in respect of barley so despatched or delivered in that year, the difference shall be taken into account by the Minister in ascertaining, in the case of that year, any rate of payment per acre in respect of barley under the preceding provisions of this order.

Guarantee payments for rye and oats and mixed cereals

6. In each year in respect of millable rye and oats—

(a) a guaranteed price shall be determined in each case at a price per hundredweight ; and

(b) an average realised price shall be ascertained by the Minister in such manner and at such time as may appear to him proper.

Rye

7. If in any year the average realised price of millable rye ascertained pursuant to article 6(b) hereof is less than the guaranteed price determined pursuant to article 6(a) hereof, the Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury specify, make a payment of an amount equal to the difference in respect of every hundredweight of millable rye which is shown to his satisfaction to have been despatched or delivered during that year to, or in accordance with the instructions of, a purchaser thereof.

Oats

8.—(1) If in any year the average realised price of oats ascertained pursuant to article 6(b) hereof is less than the guaranteed price determined pursuant to article 6(a) hereof, the Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury specify, make a payment in respect of any land which is shown to his satisfaction to have been used for the purpose of growing oats for harvesting during the year in question, being oats harvested as grain or available at such date as he may specify for harvesting as grain.

(2) Any payment under paragraph (1) hereof shall be at a rate per acre ascertained by the Minister, being a rate calculated by reference to the difference between the average realised price and the guaranteed price determined pursuant to article 6 hereof and the average yield of oats in hundredweights per acre in the United Kingdom ascertained by the Minister in respect of such period as may appear to him appropriate.

Mixed Cereals

9. Where any land has been used for the purpose of growing a crop consisting entirely of two or more cereals or consisting of a mixture of one or more cereals and other produce, the Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury specify, make in respect of that land a payment—

(a) in the case of a crop consisting entirely of cereals, of an amount equal to, or

(b) in the case of a crop consisting of cereals and other produce, of an amount equal to such percentage as the Minister may from time to time with the approval of the Treasury specify of,

any payment which he might have made in respect of that land under article 8 of this order if the crop had consisted of oats.

10. The Minister may, without prejudice to his general discretion in respect of any payment under this order, in respect of any land to which articles 5(2), 8 and 9 hereof apply, if he is of opinion—

(a) that the crop of cereals obtained from the land is unduly small or has been adversely affected by the unsuitability of the land for growing the crop or by negligence in connection with the preparation of the land for, or the sowing, tending or harvesting of, the crop; or

- (b) that any of the land has been used in the twelve months preceding the harvesting of the crop in question in a manner likely to impair its fertility ; or
- (c) in the case of a crop of cereals, or of cereals and other produce, which has been undersown with other crops, that the cereal seed sown was not sufficient to provide a proper crop of cereals or that the undersowing was done in such a manner or with seed of such a kind as to be likely to reduce the yield of the cereals ; or
- (d) that the cereals were self-sown,

reduce to such extent as he thinks fit the amount of, or withhold, any payment which he might otherwise have made under that provision in respect of that land.

Persons to whom payments may be made

11. Any payment under this order shall be made to the registered grower of the cereals in question or, if the Minister is satisfied that the interest of the registered grower in that payment has passed to some other person, to that other person.

12. Subject to such terms and conditions as the Minister, with the approval of the Treasury, may specify, the Minister may for the purposes of this order make such payments by way of advance as he may from time to time in respect of any year think fit.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 8th June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 8th June 1964.

Henry Brooke,
Secretary of State for the
Home Department.

We consent
9th June 1964.

John Hill,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order replaces the Cereals (Deficiency Payments) Order 1955 (S.I. 1955/962) as amended, and provides for changes in the arrangements for guarantee payments to producers of cereals following the determinations of the Ministers after a review held under section 2 of the Agriculture Act 1947.

The changes effected by the order relate only to wheat and barley and provision is now made for the determination each year of standard quantities and target indicator prices which are used for calculating the guarantee payments in respect of these two crops in differing circumstances.

The provisions relating to rye, oats and mixed cereals remain unchanged.

1964 No. 849

WAGES COUNCILS**The Wages Regulation (Flax and Hemp) (Holidays)
Order 1964**

<i>Made - - - -</i>	<i>11th June 1964</i>
<i>Coming into Operation</i>	<i>26th June 1964</i>

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Flax and Hemp) (Holidays) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 26th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Flax and Hemp) (Holidays) Order 1963(c), shall cease to have effect.

Dated 11th June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Wages Regulation (Flax and Hemp) (Holidays) Order 1963 (hereinafter referred to as "Order F.H. (100)").

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/401 (1963 I, p. 467).

PART I

APPLICATION

1. This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

PART II

CUSTOMARY HOLIDAYS

- 2.—(1) An employer shall allow to every worker to whom this Schedule applies a holiday (hereinafter referred to as a “customary holiday”) in each year on the days specified in the next following sub-paragraph, provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the customary holiday and has worked for the employer during the whole or part of that period and (unless excused by the employer or absent by reason of the proved *incapacity of the worker due to sickness or injury*) has worked for the employer throughout the last working day on which work was available to him prior to the customary holiday.

- (2) The said customary holidays are :—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday :

Provided that in the case of workers who normally work on each week-day except Saturday if Christmas Day falls on a Saturday the holiday shall be the next following Tuesday ;

(ii) In Scotland—

New Year's Day and the following day :

Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday ; if New Year's Day falls on a Saturday then in the case of workers who normally work on each week-day except Saturday the holidays shall be the following Monday and Tuesday and in the case of all other workers, New Year's Day and the following Monday ;

the local Spring holiday ;

the local Autumn holiday ;

and two other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer in consultation with the worker or his representative, and notified to the worker not less than three weeks before the holiday ;

- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon and, in lieu of any such holiday on which he so works, the employer shall allow to the worker a day's holiday (hereinafter referred to as a “holiday in lieu of a customary holiday”) on a week-day on which he would normally work for the employer within the period of four weeks immediately following the customary holiday.

- (4) A worker who is required to work on a customary holiday shall be paid :—
- (a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday ; and
- (b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6.

PART III

ANNUAL HOLIDAY

- 3.—(1) Subject to the provisions of paragraph 4, in addition to the holidays specified in Part II of this Schedule an employer shall, between the date on which this Schedule becomes effective and 30th September 1964 and in each succeeding year between 6th April and 30th September, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment (calculated in accordance with the provisions of paragraph 10) specified below and the duration of the annual holiday shall, in the case of each such worker, be related to his period of employment during that 12 months as follows :—

Workers with a normal working week of six days		Workers with a normal working week of five days or less	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
" " 44 "	11 "	" " 43 "	9 "
" " 40 "	10 "	" " 38 "	8 "
" " 36 "	9 "	" " 33 "	7 "
" " 32 "	8 "	" " 28 "	6 "
" " 28 "	7 "	" " 24 "	5 "
" " 24 "	6 "	" " 19 "	4 "
" " 20 "	5 "	" " 14 "	3 "
" " 16 "	4 "	" " 9 "	2 "
" " 12 "	3 "	" " 4 "	1 day
" " 8 "	2 "		
" " 4 "	1 day		

- (2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph :—
- (a) The number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week.
- (b) The duration of the worker's annual holiday in the holiday season ending on 30th September 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order F.H. (100) between 6th April 1964 and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period commencing on 6th April 1964 and ending on 30th September 1964, and, in each succeeding year, the period commencing on 6th April and ending on 30th September of the same year.
- 4.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may, by agreement in writing between the employer and the worker or his representative, be allowed in two periods of consecutive working days ; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.
- (4) Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season.
- (5) Subject to the provisions of sub-paragraph (1) of this paragraph, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959.
5. An employer shall give to the worker reasonable notice of the commencing date or dates and duration of the period or periods of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

PART IV

HOLIDAY REMUNERATION

A—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

- 6.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration as follows :—
- (a) in the case of a piece worker, an amount equal to the worker's average hourly earnings for the hours worked by him for the employer (exclusive of overtime) in the week immediately preceding that in which the holiday occurs multiplied by the number of hours normally worked by him (exclusive of overtime) on that day of the week ;
- (b) in the case of a time worker, an amount equal to the sum which would be payable to him by the employer if that day were not a holiday and he worked thereon the number of hours normally worked by him (exclusive of overtime) on that day of the week and if he were paid at the hourly rate payable to him under his contract of employment immediately before the holiday.
- (2) Payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment at the usual starting hour on the first working day following the holiday and works throughout that day or, if he fails to do so, failure is by reason of the proved *incapacity of the worker due to sickness or injury* or with the consent of the employer.

- (3) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the week including the first working day following the customary holiday are paid.
- (4) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages are paid for the week including the first working day following the holiday in lieu of a customary holiday :

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case sub-paragraph (2) of this paragraph shall not apply.

B—ANNUAL HOLIDAY

- 7.—(1) Subject to the provisions of this paragraph and of paragraph 8, a worker qualified to be allowed an annual holiday under this Schedule shall be paid as holiday remuneration by his employer in respect thereof, on the last pay day preceding such annual holiday, an amount equal to four per cent. of his total remuneration (*determined in accordance with paragraph 11*) during the 12 months immediately preceding the commencement of the holiday season.
- (2) Where under the provisions of paragraph 4 an annual holiday is allowed in more than one period, the holiday remuneration shall be apportioned accordingly.
8. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 9 of this Schedule or with Order F.H. (100)) in respect of employment during any of the periods referred to in that paragraph or that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule.

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter called "the termination date"), pay to the worker as accrued holiday remuneration :—
- (1) in respect of employment in the 12 months up to and including 5th April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment ; and
- (2) in respect of any employment of *at least four weeks in duration* since the said 5th April an amount equal to four per cent. of the worker's total remuneration (*determined in accordance with paragraph 11*) since that date.

PART V

GENERAL

10. For the purpose of calculating any period of employment qualifying a worker for an annual holiday under this Schedule, the worker shall be treated—

(1) as if he were employed for a week in respect of any week *during the qualifying period* in which—

(a) in the case of a worker other than a part-time worker, he has worked for the employer for not less than 20 hours and has performed some work for which statutory minimum remuneration is payable ;

(b) in the case of a part-time worker, he has worked for the employer and has performed some work for which statutory minimum remuneration is payable ;

(c) in the case of a worker other than a part-time worker, he has worked for the employer for less than 20 hours by reason of *proved incapacity due to sickness or injury* or, in the case of any worker, for a like reason he has been absent throughout the week *or has been suspended throughout the week owing to shortage of work* : *Provided that the number of weeks which may be so treated as weeks of employment shall not exceed :—*

(i) *26 weeks in the case of proved incapacity in respect of which the worker is entitled to injury benefit under the National Insurance (Industrial Injuries) Acts 1946 to 1963 ; and*

(ii) *four weeks in the case of any other proved incapacity or of suspension owing to shortage of work.*

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule, or of Order F.H. (100), and for the purposes of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on any such holiday shall be treated as having worked thereon for the employer on work for which statutory minimum remuneration is payable for the number of hours normally worked by him on that day of the week.

11. *A worker's total remuneration shall include :—*

(1) *all payments paid or payable to the worker by the employer in respect of his employment except :—*

(a) *payments by way of annual holiday remuneration ;*

(b) *payments by way of accrued holiday remuneration ;*

(c) *payments in respect of overtime ; and*

(d) *payments in respect of any period of absence from work by reason of incapacity due to sickness or injury or by reason of suspension owing to shortage of work ; and*

(2) *in respect of any period of absence which under the provisions of sub-paragraph (1) (c) of paragraph 10 is to be treated as a period of employment, the amount to which he would have been entitled if he had worked during that period as a time worker for the number of daily hours (exclusive of overtime) normally worked by him.*

DEFINITIONS

12. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“NORMAL WORKING WEEK” means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the 12 months immediately preceding the commence-

ment of the holiday season, or, where under paragraph 9 accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the termination date :

Provided that—

(1) part of a day shall count as a day ;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“PART-TIME WORKER” means a worker who normally works for the employer for less than 20 hours a week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week.

“STATUTORY MINIMUM REMUNERATION” means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Flax and Hemp Wages Council (Great Britain).

“WEEK” in paragraphs 3, 6 and 10 and in this paragraph means “pay week”.

13. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 26th June 1964, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration set out in the Wages Regulation (Flax and Hemp) (Holidays) Order 1963 (Order F.H. (100)), which is revoked.

New provisions are printed in italics.

 STATUTORY INSTRUMENTS

1964 No. 852

OVERSEAS TERRITORIES

The Colonial Prisoners Removal (Swaziland) Order 1964

<i>Made - - - -</i>	12th June 1964
<i>Laid before Parliament</i>	12th June 1964
<i>Coming into Operation</i>	13th June 1964

At the Court at Buckingham Palace, the 12th day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 15 of the Colonial Prisoners Removal Act 1884^(a) (hereinafter referred to as "the Act") or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Colonial Prisoners Removal (Swaziland) Order 1964 and shall come into operation on the 13th June 1964.

Citation and commencement.

2.—(1) The Act shall apply in relation to Swaziland as if Swaziland were a British possession.

Application of Act to Swaziland.

(2) In its application in relation to Swaziland, the Act shall be construed as if references therein to the Governor of a British possession were references to Her Majesty's Commissioner for Swaziland.

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies the Colonial Prisoners Removal Act 1884 to Swaziland.

(a) 47 & 48 Vict. c. 31.

1964 No. 853

JUSTICES OF THE PEACE

The Justices' Allowances Regulations 1964

<i>Made</i> - - - -	11th June 1964
<i>Laid before Parliament</i>	18th June 1964
<i>Coming into Operation</i>	22nd June 1964

In pursuance of the powers conferred upon me by section 8(6) and (7) of the Justices of the Peace Act 1949(a) as amended by section 31 of the Administration of Justice Act 1964(b), I hereby make the following Regulations :—

1. The rates of travelling and subsistence allowance payable under section 8 of the Act to a justice of the peace for any area in England or Wales in respect of expenditure on travelling, or, as the case may be, on subsistence, necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice shall be the rates set out in Schedules 1 and 2 to these Regulations respectively.

2. A justice who claims payment of either of the said allowances shall complete and submit to the authority an application in the form set out in Schedule 3 to these Regulations or in a form substantially to the like effect.

3. An authority shall, so far as practicable, arrange for the issue to a justice of a ticket, or a document which can be exchanged for a ticket, to cover a journey in respect of which a travelling allowance would otherwise fall to be paid.

4.—(1) An authority shall keep a record of every payment made under section 8 of the Act showing the amount and nature of the payment and the name of the justice to whom it is paid; and payments made in respect of duties as chairman, deputy chairman or member of a court of quarter sessions shall be kept separate from other payments in the said record.

(2) For the purposes of this Regulation expenditure incurred in the issue to a justice of a ticket or other document under Regulation 3 of these Regulations shall be deemed to be an amount paid to that justice.

5. Where expenditure on travelling or subsistence or both, entitles a person to receive an allowance under section 8 of the Act in respect of duties as a justice and an allowance of the same nature, by whatever name called, under any other enactment in respect of duties in some other capacity, the aggregate amount which that person shall be entitled to receive under the said section 8 on account of the said expenditure shall be reduced by the aggregate amount received by him on that account under the other enactment, and any claim made under the said section 8 shall contain particulars of any amount so received or claimed, or which it is intended to claim, under the other enactment.

6.—(1) In these Regulations unless the context otherwise requires—

“ authority ” means any authority responsible, by virtue of section 8(5) of the Act or paragraph 20(1) of Schedule 3 to the Administration of Justice Act 1964, for the payment of allowances under that section ;

“ the Act ” means the Justices of the Peace Act 1949.

(2) The Interpretation Act 1889^(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations revoked by these Regulations were Acts of Parliament.

7. The Regulations specified in Schedule 4 to these Regulations are hereby revoked.

8. These Regulations may be cited as the Justices' Allowances Regulations 1964 and shall come into operation on 22nd June 1964.

Henry Brooke,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

11th June 1964.

Regulation 1

SCHEDULE 1

RATES OF TRAVELLING ALLOWANCE

1.—(1) The rate for travel by public service shall be the amount of the fare of the class in which the justice chooses to travel but, subject to any supplementary allowances payable under sub-paragraph (2) of this paragraph, shall not exceed the lowest available first class fare.

(2) The rate payable under the foregoing sub-paragraph shall, if the justice so claims, be increased by supplementary allowances not exceeding the expenditure incurred on deposit or portorage of luggage, on reservation of seats, or on Pullman Car or similar supplements (other than expenditure on refreshment or sleeping accommodation).

2. The rate for travel by hired motor vehicle shall be—

- (a) in cases of urgency or where no public service is reasonably available, the amount of the fare and any reasonable gratuity paid ; and
- (b) in any other case, the amount of the fare for travel by the appropriate public service.

3.—(1) The rate for travel by a justice's own motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be—

- (a) for the use of a motor cycle of cylinder capacity not exceeding 120 cubic centimetres, of an autocyte or of a motor-assisted pedal cycle, 2d. a mile ;
- (b) for the use of a motor cycle of cylinder capacity exceeding 120 cubic centimetres but not exceeding 150 cubic centimetres, 2½d. a mile ;
- (c) for the use of a motor cycle of cylinder capacity exceeding 150 cubic centimetres but not exceeding 500 cubic centimetres, 3d. a mile.

(2) The rate for travel by a justice's own private motor vehicle other than a motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be 3d. a mile unless such travel—

- (a) results in a substantial saving of the justice's time ; or
- (b) is otherwise reasonable, in which case the rate shall be—
 - (i) for the use of a motor cycle of cylinder capacity exceeding 500 cubic centimetres, a motor cycle combination, or a motor car of cylinder capacity not exceeding 500 cubic centimetres, 4d. a mile ;
 - (ii) for the use of a motor car of cylinder capacity exceeding 500 cubic centimetres, but not exceeding 1199 cubic centimetres—
 - for the first 2,000 miles in any year, 7½d. a mile ;
 - for the next 5,000 miles in the same year, 6d. a mile ;
 - for any further miles in the same year, 4½d. a mile ;
 - (iii) for the use of any other vehicle—
 - for the first 2,000 miles in any year, 9½d. a mile ;
 - for the next 5,000 miles in the same year, 7½d. a mile ;
 - for any further miles in the same year, 6½d. a mile.

(3) The appropriate rate specified in the foregoing provisions of this paragraph shall, if the justice so claims, be increased—

- (a) where the rate exceeds 3d. a mile, by ½d. a mile for the carriage, otherwise than by motor cycle, of each additional person to whom an allowance for travelling would otherwise be payable under any enactment ;
- (b) where the rate is 3d. a mile, by 1d. a mile for the carriage, otherwise than by motor cycle, autocyte or motor-assisted pedal cycle, of each additional person as aforesaid, so, however, that the rate when so increased shall not exceed 6d. a mile ;

- (c) in the case of an absence overnight from the usual place of residence, by the amount of any expenditure incurred on garaging a motor vehicle, not exceeding 2s. 6d. a night in the case of a motor car or 1s. 6d. a night in the case of a vehicle of any other type ;
- (d) in any case, by the amount of any expenditure incurred on tolls, ferries or parking fees.
- (4) In calculating the mileage in any year for the purposes of sub-paragraph (2) of this paragraph there shall be added any mileage in that year for which the justice receives a travelling allowance under section 8 or section 36 of the Act, other than mileage for which the rate, excluding any allowance for passengers, does not exceed 4d. a mile.
- (5) For the purposes of this paragraph—
 “motor car” includes a tri-car ;
 “motor cycle combination” means a motor cycle with a side car ;
 “motor cycle” means a motor cycle without a side car.
4. The rate for travel by air shall not exceed the fare paid but, subject thereto, shall be the rate applicable to travel by the appropriate public service together with an allowance equivalent to the amount of any saving in subsistence allowance consequent upon travel by air.
5. In this Schedule “public service” means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway.

SCHEDULE 2

Regulation 1

RATES OF SUBSISTENCE ALLOWANCE

- 1.—(1) The rate of subsistence allowance shall be—
- (a) in the case of an absence, not involving an absence overnight, from the usual place of residence—
- (i) of more than four but not more than eight hours, 10s. ;
 - (ii) of more than eight but not more than twelve hours, 17s. 6d. ;
 - (iii) of more than twelve but not more than sixteen hours, 25s. ;
 - (iv) of more than sixteen hours, 30s. ;
- (b) in the case of an absence overnight from the usual place of residence, 55s. :
 Provided that for such an absence overnight in Greater London the rate may be increased by a supplementary allowance not exceeding 10s.
- (2) Any rate determined under the preceding sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.
- 2.—(1) The rates specified in the preceding paragraph shall be reduced by an appropriate amount in respect of any meal provided free of charge by any local authority during the period to which the allowance relates.
- (2) In the preceding sub-paragraph “local authority” means the corporation of the City of London, the Greater London Council or the council of an administrative county, a borough, a metropolitan borough, an urban district, a rural district or a rural parish.

Regulation 2

SCHEDULE 3

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE TO A JUSTICE OF THE PEACE UNDER SECTION 8 OF THE JUSTICES OF THE PEACE ACT 1949

Date	(2)	Place and time of departure	Place and time of return	Description of duties	Mode and class of travel	Number of miles travelled by justice's own private motor vehicle and rate applicable	(6)	Fares and other authorised payments	(7)	Travelling allowance claimed	(8)	Subsistence allowance claimed	(9)
(1)	(2)		(3)	(4)	(5)	(6)			(7)	(8)		(9)	
TOTALS													
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of travelling allowance or subsistence allowance, or any equivalent allowance by whatever name called, in connection with any journey or absence claimed for above.													
AMOUNTS NOW CLAIMED													

I declare that I have actually and necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform duties as a justice of the peace, that I have actually paid the fares and made the other payments shown in column 7 above and that the amounts claimed do not exceed the amounts which I am entitled to receive in accordance with the rates prescribed by the Justices' Allowances Regulations 1964.

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or subsistence allowances in connection with any journey or absence claimed for above.

Date.....
 Signature of justice.....
 Address (usual place of residence).....

Note:—A justice is not entitled to subsistence allowance if the duties are performed not more than three miles from his usual place of residence.

SCHEDULE 4

Regulation 7

REGULATIONS REVOKED

Regulations	References
The Justices' Allowances Regulations 1953.	S.I. 1953/435 (1953 I, p. 918).
The Justices' Allowances Regulations 1954.	S.I. 1954/1206 (1954 I, p. 1024).
The Justices' Allowances Regulations 1957.	S.I. 1957/197.
The Justices' Allowances Regulations 1960.	S.I. 1960/144 (1960 II, p. 1735).
The Justices' Allowances Regulations 1962.	S.I. 1962/2070 (1962 III, p. 2497).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate the Regulations specified in Schedule 4, which relate to the payment of certain allowances to justices of the peace. The only substantial amendment is as follows. Section 31 of the Administration of Justice Act 1964 amends section 8 of the Justices of the Peace Act 1949 under which these Regulations are made so as to substitute references to subsistence allowance for the references to lodging allowance and these Regulations accordingly are in terms of subsistence allowance instead of lodging allowance, the rates of subsistence allowance payable to justices being set out in Schedule 2.

1964 No. 857

FOOD AND DRUGS**COMPOSITION AND LABELLING****The Dried Milk Regulations 1964**

<i>Made - - - -</i>	11th June 1964
<i>Laid before Parliament</i>	18th June 1964
<i>Coming into Operation</i>	11th March 1965

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act (insofar as the regulations relate to the labelling, marking or description of food):—

Citation and commencement

1. These regulations may be cited as the Dried Milk Regulations 1964; and shall come into operation on 11th March 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—
“the Act” means the Food and Drugs Act 1955;

“container” includes any form of packaging of dried milk for sale as a single item, whether by way of wholly or partly enclosing the dried milk or by way of attaching the dried milk to some other article, and in particular includes a wrapper or confining band;

“dried milk” means milk, partly skimmed milk or skimmed milk, intended for sale for human consumption, which has been concentrated to the form of powder or solid by the removal of water, and includes any such milk which has been sweetened, modified or compounded;

“food and drugs authority” has the meaning assigned to it by section 83 of the Act;

“gross weight”, in relation to a container, means the weight of the container and of its contents;

“human consumption” includes use in the preparation of food for human consumption;

“sale by retail” means sale to a person buying otherwise than for the purpose of resale;

“sell” includes offer or expose for sale or have in possession for sale; and “sale” and “seller” shall be construed accordingly;

“ skimmed milk ” includes separated or machine-skimmed milk ;

“ sugar ” means the product usually known as sugar in commercial usage, consisting principally of sucrose.

AND other expressions have the same meaning as in the Act.

(2) Percentages shall be calculated by weight.

(3) These regulations apply to dried milk to which no other substance has been added and to the dried milk contained in any powder or solid of which not less than 70 per cent. consists of dried milk.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Exemptions

3. The following provisions of these regulations shall not apply—

(a) in relation to any dried milk intended at the time of sale for exportation to any place outside the United Kingdom ;

(b) in relation to any dried milk intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(b) ;

(c) in relation to any sale of dried milk to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business ;

(d) in relation to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

Composition and description of dried milk

4.—(1) Dried milk of each description specified in column 1 of Schedule 1 to these regulations shall contain a percentage of milk fat within the limits specified in relation thereto in column 2 of that Schedule and shall contain not more than 5·0 per cent. of moisture, and no person shall sell any dried milk which does not comply with this regulation.

(2) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing dried milk of a description to which paragraph (1) of this regulation applies, unless such food complies with this regulation.

(3) Where a person sells any food to a purchaser in response to a request for dried milk of a description to which paragraph (1) of this regulation applies, he shall be deemed to sell dried milk of, and under, that description unless he clearly notifies the purchaser at the time of sale that the food is not that description of dried milk.

Labelling of containers of dried milk

5.—(1) No person shall sell any dried milk except in a container bearing a label in accordance with the provisions of Schedule 2 to these regulations.

(2) No person shall expose or offer for sale by retail any dried milk in any such container if the container is wrapped in paper or some other wrapper through which the label on the container is not clearly visible unless the

(a) 52 & 53 Vict. c. 63.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

outermost wrapper also bears a label as if it were a container to which paragraph (1) of this regulation applies.

Penalties and enforcement

6.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each food and drugs authority shall enforce and execute such provisions in their area.

(3) The requirements of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to labelling or marking) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Application of various sections of the Act

7.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

Revocation

8. The regulations specified in Schedule 3 to these regulations are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 11th June 1964.

(L.S.)

Anthony Barber,
Minister of Health.

SCHEDULE 1

Regulation 4

DESCRIPTION AND COMPOSITION OF DRIED MILK

Column 1	Column 2
Description of dried milk	Percentage of milk fat
Dried full cream milk	Not less than 26
Dried three-quarter cream milk	Less than 26 and more than 17
Dried half cream milk	Not more than 17 and not less than 14
Dried quarter cream milk	Less than 14 and not less than 8
Dried partly skimmed milk	Less than 8 and not less than 1.5
Dried skimmed milk or dried low-fat skimmed milk	Less than 1.5

SCHEDULE 2

Regulation 5

LABELLING OF CONTAINERS OF DRIED MILK

1.—(1) Subject to the provisions of this paragraph, every container to which regulation 5 relates shall bear a label upon which is printed such one of the following declarations as may be applicable:—

(a) In the case of dried full cream milk:—

**DRIED FULL CREAM MILK
CONTAINS THE EQUIVALENT OF (X) PINTS
OF MILK**

(b) In the case of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk:—

**DRIED (Y) MILK
SHOULD NOT BE USED FOR BABIES EXCEPT
UNDER MEDICAL ADVICE
CONTAINS THE EQUIVALENT OF (X) PINTS OF (W) MILK**

(c) In the case of dried skimmed milk or dried low-fat skimmed milk:—

<p>DRIED SKIMMED MILK [or DRIED LOW-FAT SKIMMED MILK] CONTAINS (Z)% MILK FAT</p>	
<table border="1" style="margin: auto; text-align: center; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <p>UNFIT FOR BABIES [or NOT TO BE USED FOR BABIES]</p> </td> </tr> </table>	<p>UNFIT FOR BABIES [or NOT TO BE USED FOR BABIES]</p>
<p>UNFIT FOR BABIES [or NOT TO BE USED FOR BABIES]</p>	
<p>CONTAINS THE EQUIVALENT OF (X) PINTS OF SKIMMED MILK</p>	

(2) The declaration printed on the label of a container to which regulation 5 applies shall, in the case of dried milk to which any substance other than sodium bicarbonate or sodium citrate has been added, be in the appropriate form prescribed in sub-paragraph (1) of this paragraph with the following modifications:—

(a) There shall be added to the description of dried milk included in the declaration—

- (i) the word “sweetened” where only sugar has been added;
- (ii) the word “modified” where only a constituent of milk has been added; and
- (iii) the word “compounded” in every other case.

(b) Except where sugar is the only added ingredient, the words “with (S) added” shall in every case follow the description of the dried milk, words being inserted at (S) to specify the substance or substances added.

(3) Where the gross weight of the container is more than 10 lb., the words “Contains the equivalent of (X) pints of milk” may be omitted from the declaration.

(4) Where the milk or any part thereof is other than cow’s milk, a word or words denoting the animal or animals from which the milk has been derived shall be inserted immediately before the word “milk” wherever that word appears in the declaration.

2. The declaration shall in each case be completed as follows:—

(a) There shall be inserted at (X) the appropriate number or fraction in words or figures;

(b) There shall be inserted at (Y) the remainder of the appropriate description of dried milk in the terms set out in column 1 of Schedule 1 to these regulations and the same words shall be inserted at (W);

(c) There shall be inserted at (Z) the milk fat content expressed as a percentage of the total weight of the dried milk;

(d) In the case of dried full cream milk, dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk, the declaration may also include a statement of the milk fat content expressed as a percentage of the total weight of the dried milk;

(e) The figure to be inserted at (X) shall be such as to ensure that the equivalent quantity shall be of milk of the description set out in column 1 of the following Table containing not less than the percentages of milk fat and milk solids including fat shown in relation thereto in columns 2 and 3 respectively:—

TABLE

Column 1	Column 2	Column 3
Description of milk	Minimum percentage of milk fat	Minimum percentage of milk solids including fat
Milk	3·6	12·4
Three-quarter cream milk ...	2·7	11·6
Half cream milk	1·8	10·8
Quarter cream milk ...	0·9	9·9

and the descriptions "skimmed milk" and "partly skimmed milk" shall mean milk which contains not less than 9 per cent. of milk solids other than milk fat.

3.—(1) The prescribed declaration shall be printed distinctly and legibly in dark block type upon a light-coloured ground or in light block type upon a dark-coloured ground.

(2) There shall be a surrounding line enclosing the declaration and in cases in which the words "Unfit for babies" or "Not to be used for babies" are required to be used, there shall be another such line enclosing those words.

(3) The distance between any part of the words "Unfit for babies" or "Not to be used for babies" and the surrounding line enclosing those words shall be not less than one-sixteenth of an inch.

(4) No matter other than that prescribed in paragraphs 1 and 2 of this Schedule shall be printed within either surrounding line.

(5) The type used for the declaration shall not in any part be less than one-eighth of an inch in height and the type used for the words "Unfit for babies" or "Not to be used for babies" shall be not less than twice the height of any other part of the declaration, except that in the case of a container of dried milk containing the equivalent of a quarter of a pint of milk or less, the type used for the declaration shall not in any part be less than one-sixteenth of an inch in height and the type used for the words "Unfit for babies" or "Not to be used for babies" shall not be less than twice the height of any other part of the declaration.

4. Every label affixed pursuant to regulation 5 of these regulations shall—

- (a) be securely affixed to, or form part of, the container;
- (b) be so placed on the side or top of the container as to be clearly visible; and
- (c) either form part of any main label, or be a separate label in close proximity to the main label.

5. There shall not be placed on any container containing dried milk—

- (a) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "three-quarter", "half", "quarter", "partly skimmed", "skimmed", "low-fat", "unfit for babies" or "not to be used for babies"; or
- (b) any instructions as to dilution, unless either—

- (i) the fluid produced in accordance with such instructions would contain not less than 9 per cent. milk solids other than milk fat; or

- (ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to milk, partly skimmed milk or skimmed milk, as the case may be.

Regulation 8

SCHEDULE 3

Column 1	Column 2
Regulations revoked	References
The Public Health (Dried Milk) Regulations 1923	S.R. & O. 1923/1323 (Rev. VIII, p. 42; 1923, p. 900).
The Public Health (Dried Milk) Amendment Regulations 1927	S.R. & O. 1927/1093 (Rev. VIII, p. 42; 1927, p. 459).
The Public Health (Dried and Condensed Milk) Regulations 1943	S. R. & O. 1943/896 (Rev. VIII, p. 42; 1943 I, p. 288).
The Public Health (Dried Milk) (Amendment) Regulations 1948	S.I. 1948/1123 (Rev. VIII, p. 42; 1948 I, p. 1227).

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply to England and Wales only, re-enact with amendments the Public Health (Dried Milk) Regulations 1923 to 1948. The principal changes are:—

- (a) minimum and maximum percentages (calculated by weight) are prescribed for the milk fat content of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk (regulation 4(1) and Schedule 1);
- (b) the upper limit for the milk fat content of dried skimmed milk has been reduced from 8 per cent. to 1.5 per cent. and the description "dried low-fat skimmed milk" is permitted as an alternative description (regulation 4(1) and Schedule 1);
- (c) a maximum moisture content of 5 per cent. is prescribed for all descriptions of dried milk (regulation 4(1) and Schedule 1);
- (d) containers of dried skimmed milk are required, and containers of any other dried milk are permitted, to carry a declaration as to the milk fat content (regulation 5 and Schedule 2);
- (e) the regulations do not apply to dried milk intended for export or for consumption by a visiting force, to any sale of dried milk to a caterer or manufacturer nor to any sale for immediate consumption (regulation 3).

The regulations come into operation on 11th March 1965.

 STATUTORY INSTRUMENTS

1964 No. 864 (C. 8)

CRIMINAL PROCEDURE, ENGLAND AND WALES
MAGISTRATES' COURTS

**The Administration of Justice Act 1964 (Commencement
 No. 1) Order 1964**

Made - - - - 11th June 1964

In exercise of the powers conferred on me by section 41 of the Administration of Justice Act 1964(a), I hereby make the following Order:—

1. The provisions of the Administration of Justice Act 1964 specified in the first column of the Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on 1st July 1964.

2. This Order may be cited as the Administration of Justice Act 1964 (Commencement No. 1) Order 1964.

Henry Brooke,

One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 11th June 1964.

SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 5(2)	Number and assignment of county court judges.
Section 10(1) so far as it relates to the maximum number of metropolitan stipendiary magistrates.	The maximum number of metropolitan stipendiary magistrates who may be appointed.
Section 12(3)	Transfer of functions of the Secretary of State with respect to the nomination or selection of the chairmen and other members of the juvenile courts of the metropolitan stipendiary court area.

(a) 1964 c. 42.

Provisions of the Act	Subject matter of provisions
Section 24	Superannuation of justices' clerks in inner London.
Section 26	The Inner and Middle Temples.
Section 29(11)	Exercise of certain functions of a court of quarter sessions by a committee thereof.
Section 30	Promissory oaths of justices of the peace.
Section 32	Compensation under section 42 of the Justices of the Peace Act 1949(a).
Section 33	Chairmanship of bench of magistrates.
Section 34	Assessors in Lancashire Crown Courts in juvenile cases.
Section 39(2) so far as it relates to the provisions of Schedule 3 hereinafter specified.	Consequential and minor modifications and amendments.
Section 41(8) so far as it relates to the provisions of Schedule 5 hereinafter specified.	Repeals.
In Schedule 3, paragraph 11	Amendment of the Municipal Corporations Act 1882 relating to the promissory oaths of justices of the peace.
In Schedule 3, paragraph 15(1)	Modification of the Local Government Act 1933 whereby the chairman and vice-chairman of the Greater London Council become ex officio justices of the peace.
In Schedule 3, paragraph 17(1)	Amendment of the Administration of Justice (Miscellaneous Provisions) Act 1938 relating to the power of a deputy chairman of quarter sessions to preside over an additional court of quarter sessions.
In Schedule 3, paragraph 20(1)	Modification of the Justices of the Peace Act 1949 relating to the payment of allowances to justices of the peace for London commission areas.
In Schedule 3, paragraph 23(1) except the words from "(c) in the entry relating to the whole-time salaried chairman" to the end of the subparagraph.	Amendments of the House of Commons Disqualification Act 1957 relating to the disqualification of additional judges of the Central Criminal Court.
In Schedule 3, paragraph 25	Amendments of the County Courts Act 1959(b) relating to the number and assignment of county court judges.
So much of Schedule 5 as is set out in the Appendix hereto.	Repeals.

(a) 12, 13 & 14 Geo. 6. c. 101.

(b) 7 & 8 Eliz. 2. c. 22.

APPENDIX

Chapter	Title or Short Title	Extent of Repeal
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act 1839.	The proviso to section 2.
3 & 4 Vict. c. 84.	The Metropolitan Police Courts Act 1840.	The second proviso to section 2.
6 & 7 Vict. c. xliv.	An Act to provide for the more effectual execution of the office of a justice of the peace within the parish of Merthyr Tidvil and certain adjoining parishes.	In section 5 the words from " but such person " to " qualification ".
41 & 42 Vict. c. lv.	The Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878.	Section 7.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In section 163(4), the words " or as a justice ".
16 & 17 Geo. 5. c. xcvi.	The London County Council (General Powers) Act 1926.	Section 35.
21 & 22 Geo. 5. c. 45.	The Local Government (Clerks) Act 1931.	Section 12.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	In section 3(5), the words from " but " to the end of the subsection. In section 18(7), the words from " but " to the end of the subsection. In section 18(8), the words from " but " to the end of the subsection. In section 33(5), the words from " but " to the end of the subsection.
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act 1938.	In section 1(3), the words from " but " to the end of the subsection.
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	In section 4(2), the words from " but " to the end of the subsection.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part I of Schedule 1, 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, in the entry relating to the judges of the Mayor's and City of London Court, the words " or Additional ".
7 & 8 Eliz. 2. c. 45.	The Metropolitan Magistrates' Courts Act 1959.	Section 1.
1963 c. 33.	The London Government Act 1963.	In Schedule 2, paragraph 1(2) (a).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force certain provisions of the Administration of Justice Act 1964 which are set out in the Schedule to the Order.

 STATUTORY INSTRUMENTS

1964 No. 870

JUVENILE COURTS AND OFFENDERS**The Juvenile Courts (London) (No. 2) Order 1964**

Made - - - - 12th June 1964
 Coming into Operation 22nd June 1964

In pursuance of the powers conferred on me by paragraphs 14 and 20 of Schedule 2 to the Children and Young Persons Act 1933(a) as amended by section 17(1) of the Children and Young Persons Act 1963(b), I hereby make the following Order :—

1. In the second column of the Schedule to the Juvenile Courts (London) Order 1964(c) (in which column are specified the places of sitting of juvenile courts for the metropolitan stipendiary court area and the City of London) for the words "Church Hall, Ashburnham Place, Greenwich, S.E.10", in both places where those words occur, there shall be substituted the words "The part of the Greenwich magistrates' court consisting of the premises known as 7, Blackheath Road, Greenwich, S.E.10".

2. This Order may be cited as the Juvenile Courts (London) (No. 2) Order 1964 and shall come into operation on 22nd June 1964.

Henry Brooke,
 One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 12th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order alters the place where the South East London (Greenwich) and the South East London (Tower Bridge) juvenile courts sit from Church Hall, Ashburnham Place, Greenwich, S.E.10, to 7, Blackheath Road, Greenwich, S.E.10, a part of the Greenwich magistrates' court.

(a) 23 & 24 Geo. 5. c. 12. (b) 1963 c. 37. (c) S.I. 1964/91 (1964 I, p. 153).

1964 No. 871 (S. 59)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Dried Milk (Scotland) Regulations 1964

<i>Made - - - -</i>	11th June 1964
<i>Laid before Parliament</i>	22nd June 1964
<i>Coming into Operation</i>	11th March 1965

In exercise of the powers conferred upon me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (insofar as the regulations relate to the labelling, marking or description of food), I hereby make the following regulations :—

Citation and commencement

1. These regulations may be cited as the Dried Milk (Scotland) Regulations 1964 and shall come into operation on 11th March 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“container” includes any form of packaging of dried milk for sale as a single item, whether by way of wholly or partly enclosing the dried milk or by way of attaching the dried milk to some other article, and in particular includes a wrapper or confining band;

“dried milk” means milk, partly skimmed milk or skimmed milk, intended for sale for human consumption, which has been concentrated to the form of powder or solid by the removal of water, and includes any such milk which has been sweetened, modified or compounded;

“gross weight”, in relation to a container, means the weight of the container and of its contents;

“human consumption” includes use in the preparation of food for human consumption;

“sale by retail” means sale to a person buying otherwise than for the purpose of resale;

“sell” includes offer or expose for sale or have in possession for sale; and “sale” and “seller” shall be construed accordingly;

“skimmed milk” includes separated or machine-skimmed milk;

“sugar” means the product usually known as sugar in commercial usage, consisting principally of sucrose.

And other expressions have the same meaning as in the Act.

(2) Percentages shall be calculated by weight.

(3) These regulations apply to dried milk to which no other substance has been added and to the dried milk contained in any powder or solid of which not less than 70 per cent. consists of dried milk.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Enforcement

3.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, insofar as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(b), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(c); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Exemptions

4. The following provisions of these regulations shall not apply—

- (a) in relation to any dried milk intended at the time of sale for exportation to any place outside the United Kingdom;
- (b) in relation to any dried milk intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(d);
- (c) in relation to any sale of dried milk to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business;
- (d) in relation to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

Composition and description of dried milk

5.—(1) Dried milk of each description specified in column 1 of Schedule 1 to these regulations shall contain a percentage of milk fat within the limits specified in relation thereto in column 2 of that Schedule and shall contain not more than 5.0 per cent. of moisture, and no person shall sell any dried milk which does not comply with this regulation.

(2) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing dried milk of a description to which paragraph (1) of this regulation applies, unless such food complies with this regulation.

(3) Where a person sells any food to a purchaser in response to a request for dried milk of a description to which paragraph (1) of this regulation

(a) 52 & 53 Vict. c. 63.

(c) 10 & 11 Geo. 6. c. 43.

(b) 60 & 61 Vict. c. 38.

(d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

applies, he shall be deemed to sell dried milk of, and under, that description unless he clearly notifies the purchaser at the time of sale that the food is not dried milk of that description.

Labelling of containers of dried milk

6.—(1) No person shall sell any dried milk except in a container bearing a label in accordance with the provisions of Schedule 2 to these regulations.

(2) No person shall expose or offer for sale by retail any dried milk in any such container if the container is wrapped in paper or some other wrapper through which the label on the container is not clearly visible unless the outermost wrapper also bears a label as if it were a container to which paragraph (1) of this regulation applies.

Penalties

7.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable:—

(a) on summary conviction to:—

(i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to:—

(i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Application of various sections of the Act

8.—(1) Sections 41(2) and (5) (which relate to proceedings), 42(1), (2) and (3) (which relate to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

(b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

9.—(1) The regulations specified in Schedule 3 to these regulations are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if any orders revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

11th June 1964.

SCHEDULE 1

Regulation 5

DESCRIPTION AND COMPOSITION OF DRIED MILK

Column 1	Column 2
Description of dried milk	Percentage of milk fat
Dried full cream milk	Not less than 26.
Dried three-quarter cream milk ...	Less than 26 and more than 17.
Dried half cream milk	Not more than 17 and not less than 14.
Dried quarter cream milk	Less than 14 and not less than 8.
Dried partly skimmed milk	Less than 8 and not less than 1.5.
Dried skimmed milk or dried low-fat skimmed milk.	Less than 1.5.

SCHEDULE 2

Regulation 6

LABELLING OF CONTAINERS OF DRIED MILK

1.—(1) Subject to the provisions of this paragraph, every container to which regulation 6 relates shall bear a label upon which is printed such one of the following declarations as may be applicable:—

(a) In the case of dried full cream milk:—

<p>DRIED FULL CREAM MILK CONTAINS THE EQUIVALENT OF (X) PINTS OF MILK</p>
--

- (b) In the case of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk:—

**DRIED (Y) MILK
SHOULD NOT BE USED FOR BABIES EXCEPT UNDER
MEDICAL ADVICE
CONTAINS THE EQUIVALENT OF
(X) PINTS OF (W) MILK**

- (c) In the case of dried skimmed milk or dried low-fat skimmed milk:—

**DRIED SKIMMED MILK
[or DRIED LOW-FAT SKIMMED MILK]
CONTAINS (Z)% MILK FAT**

**UNFIT FOR BABIES
[or NOT TO BE USED FOR BABIES]**

**CONTAINS THE
EQUIVALENT OF (X) PINTS OF SKIMMED MILK**

(2) The declaration printed on the label of a container to which regulation 6 applies shall, in the case of dried milk to which any substance other than sodium bicarbonate or sodium citrate has been added, be in the appropriate form prescribed in sub-paragraph (1) of this paragraph with the following modifications:—

- (a) There shall be added to the description of dried milk included in the declaration—
- (i) the word “sweetened” where only sugar has been added;
 - (ii) the word “modified” where only a constituent of milk has been added; and
 - (iii) the word “compounded” in every other case.
- (b) Except where sugar is the only added ingredient, the words “with (S) added” shall in every case follow the description of the dried milk, words being inserted at (S) to specify the substance or substances added.
- (3) Where the gross weight of the container is more than 10 lb., the words “Contains the equivalent of (X) pints of milk” may be omitted from the declaration.
- (4) Where the milk or any part thereof is other than cow’s milk, a word or words denoting the animal or animals from which the milk has been derived shall be inserted immediately before the word “milk” wherever that word appears in the declaration.

2. The declaration shall in each case be completed as follows:—

- (a) There shall be inserted at (X) the appropriate number or fraction in words or figures;
- (b) There shall be inserted at (Y) the remainder of the appropriate description of dried milk in the terms set out in column 1 of Schedule 1 to these regulations and the same words shall be inserted at (W);
- (c) There shall be inserted at (Z) the milk fat content expressed as a percentage of the total weight of the dried milk;

- (d) In the case of dried full cream milk, dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk, the declaration may also include a statement of the milk fat content expressed as a percentage of the total weight of the dried milk ;
- (e) The figure to be inserted at (X) shall be such as to ensure that the equivalent quantity shall be of milk of the description set out in column 1 of the following Table containing not less than the percentages of milk fat and milk solids including fat shown in relation thereto in columns 2 and 3 respectively,

TABLE

Column 1	Column 2	Column 3
Description of milk	Minimum percentage of milk fat	Minimum percentage of milk solids including fat
Milk	3·6	12·4
Three-quarter cream milk ...	2·7	11·6
Half cream milk	1·8	10·8
Quarter cream milk ...	0·9	9·9

and the descriptions "skimmed milk" and "partly skimmed milk" shall mean milk which contains not less than 9 per cent. of milk solids other than milk fat.

3.—(1) The prescribed declaration shall be printed distinctly and legibly in dark block type upon a light-coloured ground or in light block type upon a dark-coloured ground.

(2) There shall be a surrounding line enclosing the declaration and in cases in which the words "Unfit for babies" or "Not to be used for babies" are required to be used, there shall be another such line enclosing those words.

(3) The distance between any part of the words "Unfit for babies" or "Not to be used for babies" and the surrounding line enclosing those words shall be not less than one-sixteenth of an inch.

(4) No matter other than that prescribed in paragraphs 1 and 2 of this Schedule shall be printed within either surrounding line.

(5) The type used for the declaration shall not in any part be less than one-eighth of an inch in height and the type used for the words "Unfit for babies" or "Not to be used for babies" shall be not less than twice the height of any other part of the declaration, except that in the case of a container of dried milk containing the equivalent of a quarter of a pint of milk or less, the type used for the declaration shall not in any part be less than one-sixteenth of an inch in height and the type used for the words "Unfit for babies" or "Not to be used for babies" shall be not less than twice the height of any other part of the declaration.

4. Every label affixed pursuant to regulation 6 of these regulations shall—

- (a) be securely affixed to, or form part of, the container ;
- (b) be so placed on the side or top of the container as to be clearly visible ;
and
- (c) either form part of any main label, or be a separate label in close proximity to the main label.

5. There shall not be placed on any container containing dried milk—
- (a) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words “three-quarter”, “half”, “quarter”, “partly skimmed”, “skimmed”, “low-fat”, “unfit for babies” or “not to be used for babies”; or
 - (b) any instructions as to dilution, unless either—
 - (i) the fluid produced in accordance with such instructions would contain not less than 9 per cent. milk solids other than milk fat; or
 - (ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to milk, partly skimmed milk or skimmed milk, as the case may be.

Regulation 9

SCHEDULE 3

Column 1	Column 2
Regulations revoked	References
The Public Health (Dried Milk) Regulations (Scotland) 1931.	S.R. & O. 1931/1 (Rev. VIII, p. 47: 1931, p. 1111).
The Public Health (Condensed and Dried Milk) Amendment Regulations (Scotland) 1943.	S.R. & O. 1943/1061 (Rev. VIII, p. 35: 1943 I, p. 289).

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply to Scotland only, re-enact with amendments the Public Health (Dried Milk) Regulations (Scotland) 1931 and the Public Health (Condensed and Dried Milk) Amendment Regulations (Scotland) 1943. The principal changes are :—

- (a) minimum and maximum percentages (calculated by weight) are prescribed for the milk fat content of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk (regulation 5(1) and Schedule 1);
- (b) the upper limit for the milk fat content of dried skimmed milk has been reduced from 8 per cent. to 1.5 per cent. and the description “dried low-fat skimmed milk” is permitted as an alternative description (regulation 5 and Schedule 1);
- (c) a maximum moisture content of 5 per cent. is prescribed for all descriptions of dried milk (regulation 5(1) and Schedule 1);
- (d) containers of dried skimmed milk are required, and containers of any other dried milk are permitted, to carry a declaration as to the milk fat content (regulation 6 and Schedule 2);
- (e) the regulations do not apply to dried milk intended for export or for consumption by a visiting force, to any sale of dried milk to a caterer or manufacturer nor to any sale for immediate consumption (regulation 4).

The regulations come into operation on 11th March 1965.

1964 No. 872 (S. 60)

JUSTICES OF THE PEACE

The Justices Allowances (Scotland) Regulations 1964

<i>Made</i> - - - -	15th June 1964
<i>Laid before Parliament</i>	19th June 1964
<i>Coming into Operation</i>	22nd June 1964

In exercise of the powers conferred upon me by section 8(6) and (7) of the Justices of the Peace Act 1949(a), as amended by section 31 of the Administration of Justice Act 1964(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, Commencement and Revocation

1.—(1) These regulations may be cited as the Justices Allowances (Scotland) Regulations 1964, and shall come into operation on 22nd June 1964.

(2) The Justices Allowances (Scotland) Regulations 1953 and 1960(c) are hereby revoked.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

“the Act” means the Justices of the Peace Act 1949;

“authority” means any authority responsible by virtue of section 8(5) of the Act, as applied to Scotland by section 8(8) of the Act, for the payment of allowances under that section;

(2) The Interpretation Act 1889(d), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Allowances to Justices

3. The rates of travelling and subsistence allowance payable under section 8 of the Act to a justice of the peace for any area in Scotland in respect of expenditure on travelling, or, as the case may be, on subsistence, necessarily incurred by him for the purpose of enabling him to perform any of his duties as a justice shall be the rates set out in Schedules 1 and 2 to these regulations respectively.

4. A justice who claims payment of either of the said allowances shall complete and submit to the authority an application in the form set out in Schedule 3 to these regulations or in a form substantially to the like effect.

5. An authority shall keep a record of every payment made by it under section 8 of the Act, showing the amount and nature of the payment and the name of the justice to whom it was paid.

(a) 12, 13 & 14 Geo. 6. c. 101.

(b) 1964 c. 42.

(c) S.I. 1953/572, 1960/219 (1953 I, p. 922; 1960 II, p. 1737).

(d) 52 & 53 Vict. c. 63.

6. Where expenditure on travelling or subsistence, or both, entitles a person to receive an allowance under section 8 of the Act in respect of duties as a justice, otherwise than as a member of a licensing court or court of appeal under the Licensing (Scotland) Acts 1959 and 1962(a) and an allowance of the same nature, by whatever name called, under any other enactment in respect of duties in some other capacity—

- (a) the aggregate amount which that person shall be entitled to receive under the said section 8 in respect of such expenditure shall be reduced by the aggregate amount received by him under such other enactment ; and
- (b) any claim made under the said section 8 shall contain particulars of any amount so received or claimed, or which it is intended to claim, under such other enactment.

Michael Noble,
**One of Her Majesty's Principal
Secretaries of State.**

St. Andrew's House,
Edinburgh, 1.

15th June 1964.

(a) 7 & 8 Eliz. 2. c. 51 and 10 & 11 Eliz. 2. c. 51.

SCHEDULE 1

Regulation 3

RATES OF TRAVELLING ALLOWANCE

1.—(1) The rate for travel by public service shall not exceed the amount of the ordinary, or any available cheap, fare, and where more than one class of fare is available the rate shall be determined, in the case of travel by ship, by reference to first class fares, and in any other case by reference to second class fares, unless the justices for a county in quarter sessions determine, either generally or specially, that first class fares shall be substituted.

(2) The rate payable under the foregoing sub-paragraph shall, if the justice so claims, be increased by supplementary allowances not exceeding the expenditure actually incurred on deposit or portage of luggage, on reservation of seats, or on Pullman car or similar supplements (other than expenditure on refreshment or sleeping accommodation).

2. The rate for travel by hired motor vehicle shall be—

(a) in cases of urgency or where no public service is reasonably available, the amount of the fare and any reasonable gratuity paid; and

(b) in any other case, the amount of the fare for travel by the available public service.

3. The rate for travel by a justice's own private motor vehicle—

(a) in circumstances which in the opinion of the authority involve a substantial saving in his time or are otherwise reasonable shall be such rate as may from time to time be prescribed in paragraph 3 of Schedule I to the Local Government (Travelling Allowances etc.) (Scotland) Regulations 1954(a), as amended(b), as the maximum rate for travel by a member's own private motor vehicle where in the opinion of the body concerned it is reasonable that he should so travel rather than by public service; and

(b) in circumstances other than those mentioned in sub-paragraph (a) of this paragraph shall be the maximum rate prescribed from time to time in the said paragraph 3, as it may be amended, for travel by a member's own private motor vehicle in circumstances other than those mentioned in the said sub-paragraph (a).

4. The rate for travel by air in circumstances which in the opinion of the authority involve a substantial saving in a justice's time or are otherwise reasonable shall be the fare paid by the justice; for such travel in other circumstances the rate shall be that applicable to travel by the available public service together with an allowance equivalent to the amount of any saving in subsistence allowance consequent upon travel by air.

5. In this Schedule "public service" means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway.

SCHEDULE 2

Regulation 3

RATES OF SUBSISTENCE ALLOWANCE

1. The rates of subsistence allowance to which a justice shall be entitled shall be such rates, and shall be subject to such conditions, as may from time to time be prescribed in Schedule 2 to the Local Government (Travelling Allowances etc.) (Scotland) Regulations 1954, as amended.

Provided that in the application to justices of the said Schedule, the proviso to paragraph 2 shall be of no effect and any reference to a body shall be construed as a reference to an authority.

(a) S.I. 1954/265 (1954 I, p. 1159).

(b) S.I. 1959/1282, 1962/935, 1834 (1959 I, p. 1615; 1962 II, pp. 1077, 2172).

Regulation 4

SCHEDULE 3

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE TO A JUSTICE OF THE PEACE UNDER SECTION 8 OF THE JUSTICES OF THE PEACE ACT 1949

(1) Date	(2) Place and time of departure	(3) Place and time of return	(4) Description of duties	(5) Mode and class of travel	(6) Number of miles travelled by justice's own private motor vehicle and rate applicable	(7) Fares and other authorised payments	(8) Travelling allowance claimed	(9) Subsistence allowance claimed
Totals								
Particulars of amounts received or claimed, or which it is intended to claim, from any other body or person by way of travelling allowance or subsistence allowance, or any equivalent allowance, by whatever name called, in connection with any journey or absence claimed for above.								
Amounts now claimed								

I declare that I have actually and necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform duties as a justice of the peace, that I have actually paid the fares and made the other payments shown in column 7 above and that the amounts claimed do not exceed the amounts which I am entitled to receive in accordance with the rates prescribed by the Justices' Allowances (Scotland) Regulations 1964.

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or subsistence allowances in connection with any journey or absence claimed for above.

Date.....

Signature of justice.....

Address

NOTE:—A justice is not entitled to subsistence allowance if the duties are performed not more than three miles from his normal place of residence.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations consolidate, with certain amendments, the Justices Allowances (Scotland) Regulations 1953 and 1960. The amendments, which are consequential upon section 31 of the Administration of Justice Act 1964, provide for the payment to justices, under Section 8 of the Justices of the Peace Act 1949, of subsistence allowances instead of lodging allowances. Schedule 2 to these regulations provides that subsistence allowances shall be paid to justices at the rates, and on the conditions, appropriate to members of local authorities.

1964 No. 873 (C. 9)

POLICE

ENGLAND AND WALES

The Police Act 1964 (Commencement No. 1) Order 1964

Made - - - - 16th June 1964

In exercise of the powers conferred on me by section 65(2), (3) and (4) of the Police Act 1964(a), I hereby make the following Order :—

Dates appointed for coming into force of Act

1. The provisions of the Police Act 1964 specified in column 1 of each of the first four Schedules to this Order (which relate to the matters specified in column 2 thereof) shall come into force on the date specified in the heading to that Schedule.

Transitional provisions

2. The transitional provisions contained in Schedule 5 to this Order shall have effect in connection with the provisions brought into force by this Order.

Interpretation and extent

3.—(1) In this Order “the Act” means the Police Act 1964.

(2) Nothing in this Order shall extend to Scotland and, accordingly, a reference in this Order to any provision of the Act does not include a reference thereto in its application to Scotland.

Citation

4. This Order may be cited as the Police Act 1964 (Commencement No. 1) Order 1964.

Henry Brooke,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
16th June 1964.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST JULY 1964

Provisions of the Act	Subject matter of provisions
Section 1 	Police areas.
Section 2(6) and (7) as applied by Schedule 1.	Combined police authority constituted as committee of constituent council.
Section 3(1), (3) and (4) 	Police authorities for combined areas.

SCHEDULE 1 (*continued*)

Provisions of the Act	Subject matter of provisions
Section 21	Amalgamation schemes.
Section 22	Amendment and revocation of schemes.
Section 23	Alteration of local government areas.
Section 24	Adaptation of local Acts.
Section 25(1) to (4)	Cambridge and Peterborough.
Section 26	The Scilly Isles.
Section 27	Interpretation of Part I.
Section 58	Chief constables affected by amalgamations or local government reorganisations.
Section 60	Orders, rules and regulations.
Section 61	Expenses.
Section 62, so far as it relates to the interpretation of the Act.	Meaning of " police area ", &c.
Section 63, so far as it relates to the amendment set out in the Appendix to this Schedule.	Minor and consequential amendments.
Section 64(1), (2) and (5)	Interpretation and transitional provisions.
Section 65(1) to (4) and (6)	Short title, commencement and extent.
Schedule 1	Combined police authority constituted as committee of constituent council.
Schedule 3	Procedure in respect of amalgamation schemes made by the Secretary of State.
Schedule 4	Transitory provisions for amalgamation schemes.
Schedule 8	Meaning of " police area ", &c.
Schedule 9, so far as it relates to the amendment set out in the Appendix to this Schedule.	Minor and consequential amendments.
In Schedule 11, paragraphs 8 and 9 ...	Transitional provisions.

APPENDIX TO SCHEDULE 1

AMENDMENT TAKING EFFECT ON 1ST JULY 1964

<i>Enactment</i>	<i>Amendment</i>
The Local Government Act 1958, 6 & 7 Eliz. 2. c.55.	In section 60(2), after the words "the Act of 1933" there shall be inserted the words "or of any Order under Part I of the Police Act 1964"; and for the words "that Act" there shall be substituted the words "the Act of 1933".

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST AUGUST 1964

Provisions of the Act	Subject matter of provisions
Section 4 	General functions of police authorities.
Section 5(1) to (3)	Chief constables.
Section 6 	Deputy and assistant chief constables.
Section 7 	Other members of police forces.
Section 8(1), (2) and (5) and, in its application to county boroughs, section 8(4).	Financial provisions.
Section 9 	Acquisition of land.
Section 10 	Civilian employees.
Section 11 	Questions on police matters by members of county and county borough councils.
Section 12 	Reports by chief constables to police authorities.
Section 13 	Collaboration agreements.
Section 14 	Aid of one police force by another.
Section 15 	Provision of special services.
Section 18 	Attestation of constables.
Section 19(1) and (6)	Jurisdiction of members of police forces.
Section 20 	Rewards for diligence.
Section 28 	General duty of Secretary of State.
Section 30 	Reports from chief constables.

SCHEDULE 2 (continued)

Provisions of the Act	Subject matter of provisions
Section 31	Police grant.
Section 32	Local inquiries.
Section 36	Regulations as to standard of equipment.
Section 38	Appointment and functions of inspectors of constabulary.
Section 39	Assistant inspectors and staff officers.
Section 40	Pensions of inspectors and assistant inspectors.
Section 41	Common services.
Section 42	Research.
Section 43	Central service on police duties.
Section 48	Liability for wrongful acts of constables.
Section 49	Investigation of complaints.
Section 50	Information as to manner of dealing with complaints.
Section 51	Assaults on constables.
Section 52	Impersonation, &c.
Section 53	Causing disaffection.
Section 54	Criminal statistics.
Section 55	Abolition of fees.
Section 57	Police expenses of counties falling partly within the metropolitan police district.
Section 62, so far as it relates to the interpretation of enactments other than the Act.	Meaning of "police area", &c.
Section 63, so far as it relates to the amendments set out in Appendix A to this Schedule.	Minor and consequential amendments.
Section 64(4) and (6) and, so far as it relates to the repeals set out in Appendix B to this Schedule, section 64(3).	Repeals and transitional provisions.
Schedule 2	Form of declaration.

SCHEDULE 2 (*continued*)

Provisions of the Act	Subject matter of provisions
Schedule 6	Modifications of Police Pensions Act 1948.
Schedule 9, so far as it relates to the amendments set out in Appendix A to this Schedule.	Minor and consequential amendments.
Schedule 10, so far as it relates to the repeals set out in Appendix B to this Schedule.	Enactments repealed.
In Schedule 11, paragraphs 5, 6, 7 and 10.	Transitional provisions.

APPENDIX A TO SCHEDULE 2

AMENDMENTS TAKING EFFECT ON 1ST AUGUST 1964

<i>Enactment</i>	<i>Amendment</i>
The Metropolitan Police Act 1839. 2 & 3 Vict. c. 47.	Section 9 shall be omitted. In section 63 after the words "against this Act" there shall be inserted the words "or section 52 of the Police Act 1964".
The City of London Police Act 1839 2 & 3 Vict. c. xciv.	In section 44 after the words "against this Act" there shall be inserted the words "or section 52 of the Police Act 1964".
The Town Police Clauses Act 1847 10 & 11 Vict. c. 89.	In section 15 after the words "by virtue of this or the special Act" there shall be inserted the words "or an offence under section 52 of the Police Act 1964"; and for the words "any of the said constables" there shall be substituted the words "any constable". In section 28 for the words from "any constable" to "the special Act" there shall be substituted the words "any officer appointed by virtue of this or the special Act or any constable".
The Juries Act 1870. 33 & 34 Vict. c. 77.	In the Schedule, for the entry "Officers of the rural and metropolitan police" there shall be substituted the entry "Members of police forces and special constables for police areas".
The Metropolitan Police Staff (Superannuation) Act 1875. 38 & 39 Vict. c. 28.	In section 2 the words from "Where any superannuation" to the end shall be omitted.

APPENDIX A TO SCHEDULE 2 (*continued*)*Enactment**Amendment*

The Metropolitan Police Act 1886.
49 & 50 Vict. c. 22.

In section 2 for the words "Minister of Health" there shall be substituted the words "Secretary of State".

The Riot (Damages) Act 1886.
49 & 50 Vict. c. 38.

Throughout the Act for the words "police authority" there shall be substituted the words "compensation authority".

In section 2(1), for the words "the police rate" there shall be substituted the words "the police fund".

In section 5, in subsection (1), for the words from "moneys held by them" to "the said moneys" there shall be substituted the words "the police fund, and shall also pay out of the said fund" and the words from "and the amount" to the end of the subsection, and subsection (2) shall be omitted; in subsection (3) for the words "riot expenses" there shall be substituted the words "any compensation, costs and expenses payable under subsection (1) of this section"; and subsection (4) shall be omitted.

In section 9, for the words from "means one of the districts" to "assigned to them" there shall be substituted the words "and the expression 'police fund' have the same meaning as in the Police Act 1964 and the expression 'compensation authority' means—

(a) in relation to a district for which the police authority is a committee of the council of a county or borough, that council;

(b) in relation to the metropolitan police district, the Receiver for that district; and

(c) in relation to any other district, the police authority."

The Metropolitan Police (Receiver) Act 1895.
58 & 59 Vict. c. 12.

In section 1 for the words "absent from his duties" there shall be substituted the words "unable to act whether by reason of absence or otherwise".

The Children and Young Persons Act 1933.
23 & 24 Geo. 5. c. 12.

In section 107(1), in the definition of "chief officer of police", for the words from "means as regards" to "the Police Act 1890" there shall be substituted the words "as regards England has the same meaning as in the Police Act 1964".

APPENDIX A TO SCHEDULE 2 (*continued*)

<i>Enactment</i>	<i>Amendment</i>
<p>The Local Government Act 1933. 23 & 24 Geo. 5. c. 51.</p>	<p>At the end of section 195 there shall be added the following subsection—</p> <p>“(2) The foregoing provisions of this section shall apply to the council of any county or county borough as if references in paragraphs (b) and (c) to the local authority included references to a police authority which is a committee of that council.”.</p>
<p>The Firearms Act 1937. 1 Edw. 8 & 1 Geo. 6. c. 12.</p>	<p>In Schedule 3, after the entry relating to offences under the Sexual Offences Act 1956, there shall be inserted the entry—</p> <p>“Offences under section 24(1) of the Police (Scotland) Act 1956 or under section 51(1) of the Police Act 1964”.</p>
<p>The Police (Overseas Service) Act 1945. 9 & 10 Geo. 6. c. 17.</p>	<p>In section 2, after subsection (1) there shall be inserted the following subsection—</p> <p>“(1A) Notwithstanding anything in the last foregoing subsection, a person who has engaged for a period of overseas service may be promoted in his home police force as if he were serving in that force; and in any such case the reference in that subsection to the rank in which he was serving immediately before he engaged as aforesaid shall be construed as a reference to the rank to which he is promoted, and for the purposes of any such scale as is mentioned in that subsection he shall be treated as having served in that rank from the time of his promotion.”.</p> <p>In section 2(2) for the words “the last foregoing subsection” there shall be substituted the words “subsection (1) of this section”.</p> <p>In section 3(1) for the words “within the meaning of the Police Pensions Act 1921” there shall be substituted the words “within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964”.</p>
<p>The National Insurance (Industrial Injuries) Act 1946. 9 & 10 Geo. 6. c. 62.</p>	<p>In section 78 for the words “that Act” there shall be substituted the words “the Police Pensions Act 1948”.</p>
<p>The Police Pensions Act 1948. 11 & 12 Geo. 6. c. 24.</p>	<p>In section 1(4), after the words “who transfers” there shall be inserted the words “or has transferred”.</p>

APPENDIX A TO SCHEDULE 2 (*continued*)*Enactment**Amendment*

The Police Pensions Act 1948.
11 & 12 Geo. 6. c. 24 (*continued*).

In section 8(1), in the definition of "police authority", for the words "has the same meaning as in section 30 of the Police Pensions Act 1921" there shall be substituted the words "means any police authority within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964"; and, in the definition of "police force", for the words from "maintained for any police area" to "Police (Scotland) Act 1946" there shall be substituted the words "within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964".

The Local Government (Miscellaneous Provisions) Act 1953.
1 & 2 Eliz. 2. c. 26.

In section 18, after subsection (2) there shall be added the following subsection—

"(3) In relation to the council of any county or county borough any reference in paragraph (a) or (b) of subsection (1) of section 1 of this Act to the authority, and any references in paragraph (a) of subsection (1) of section 2 of this Act to the local authority, shall be construed as including a reference to a police authority which is a committee of that council".

The Homicide Act 1957.
5 & 6 Eliz. 2. c. 11.

In section 5(5)(a) for the words from "section thirty" to "Police Act 1946" there shall be substituted the words "the Police Act 1964".

APPENDIX B TO SCHEDULE 2

REPEALS TAKING EFFECT ON 1ST AUGUST 1964

Chapter	Short title	Extent of repeal
41 Geo. 3. c. 78.	The Constables Expenses Act 1801.	The whole Act.
10 Geo. 4. c. 44.	The Metropolitan Police Act 1829.	In section 4, the words from "shall be sworn" to "made, and". In section 12, the words from "and the receiver" to "exertion".
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 5. Sections 8 and 9. Sections 14 to 18.

APPENDIX B TO SCHEDULE 2 (continued)

Chapter	Short title	Extent of repeal
2 & 3 Vict. c. xciv.	The City of London Police Act 1839.	In section 9, the words from "shall be sworn" to "made, and". Section 13. In section 14, the words from "and shall from time to time" to "severally require". Sections 15 to 17. Sections 19 and 24.
2 & 3 Vict. c. 93.	The County Police Act 1839 ...	The whole Act except, in so far as it relates to the dismissal of chief constables, section 4.
3 & 4 Vict. c. 88.	The County Police Act 1840 ...	The whole Act.
5 & 6 Vict. c. 109.	The Parish Constables Act 1842	The whole Act.
10 & 11 Vict. c. 89.	The Town Police Clauses Act 1847.	Sections 6 to 14. Sections 16 and 20.
15 Vict. c. cx...	The Tyne Improvement Act 1852.	In section 28, the words from "and every such Police Constable" to "respecting the Constables to be appointed in pursuance of that Act" and the words from "shall, upon the said River" to "made, and".
19 & 20 Vict. c. 69.	The County and Borough Police Act 1856.	The whole Act.
20 Vict. c. 2 ...	The County Police Act 1857 ...	The whole Act.
22 & 23 Vict. c. 32.	The County and Borough Police Act 1859.	The whole Act except, in so far as it relates to the suspension of constables, section 26.
23 & 24 Vict. c. 135.	The Metropolitan Police Act 1860.	The whole Act, except as applied by the Special Constables Act 1923.
24 & 25 Vict. c. 51.	The Metropolitan Police Act 1861.	The whole Act.
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	In section 38, the words from "or shall assault, resist" to "such officer,".
34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act 1871.	Section 2. The Schedule.
34 & 35 Vict. c. 96.	The Pedlars Act 1871	In section 3, the definitions of "police district" and "chief officer of police". Schedule 1.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	Section 12. In section 20, the definitions of "police district" and "chief officer of police".
35 & 36 Vict. c. 92.	The Parish Constables Act 1872	The whole Act.
38 & 39 Vict. c. 17.	The Explosives Act 1875 ...	Section 107.
38 & 39 Vict. c. 28.	The Metropolitan Police Staff (Superannuation) Act 1875.	In section 2 the words from "Where any superannuation" to the end.

APPENDIX B TO SCHEDULE 2 (continued)

Chapter	Short title	Extent of repeal
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Part IX except sections 190, 191(4), 193 and 196. In Schedule 5, in Part II, paragraph 5.
46 & 47 Vict. c. 34.	The Cheap Trains Act 1883 ...	In section 8 the definitions of "police force" and "police authority".
46 & 47 Vict. c. 44.	The Borough Constables Act 1883.	The whole Act.
47 & 48 Vict. c. 58.	The Prosecution of Offences Act 1884.	Section 4.
48 & 49 Vict. c. 75.	The Prevention of Crimes Amendment Act 1885.	The whole Act.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886 ...	In section 5, in subsection (1), the words from "and the amount" to the end; and subsections (2) and (4). Section 8. Schedule 1.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	In section 3 in paragraph (iv) the words "lock-up houses" and "police stations", and paragraph (xiv). Section 9(2) and (3). In section 66 the words "police officer or constable" in both places where they occur.
53 & 54 Vict. c. 45.	The Police Act 1890	The whole Act.
53 & 54 Vict. c. 59.	The Public Health Acts Amendment Act 1890.	In section 51, in paragraph 13, the definitions of "police district" and "chief officer of police".
55 & 56 Vict. c. 38.	The Police Returns Act 1892 ...	The whole Act.
6 Edw. 7. c. 32.	The Dogs Act 1906	Section 3(10).
9 Edw. 7. c. 30.	The Cinematograph Act 1909 ...	Section 2(6).
4 & 5 Geo. 5. c. 34.	The Police Reservists (Allowances) Act 1914.	Section 1(5).
4 & 5 Geo. 5. c. 44.	The Metropolitan Police (Employment in Scotland) Act 1914.	The whole Act, except as applied by the Special Constables Act 1923.
6 & 7 Geo. 5. c. 50.	The Larceny Act 1916	In section 46(1), in the definition of "chief officer of police", paragraphs (a), (b) and (c).
9 & 10 Geo. 5. c. 46.	The Police Act 1919	Sections 3, 9, 10 and 11.
9 & 10 Geo. 5. c. 84.	The County and Borough Police Act 1919.	The whole Act.
10 & 11 Geo. 5. c. clxxiii.	The Port of London (Consolidation) Act 1920.	Section 286.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921 ...	The whole Act, except section 10.
22 & 23 Geo. 5. c. xxxvii.	The Thames Conservancy Act 1932.	Section 98.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	In section 107(1), the definition of "police authority".
1 Edw. 8 & 1 Geo. 6. c. 6.	The Public Order Act 1936 ...	In section 9(1), the definition of "chief officer of police".

APPENDIX B TO SCHEDULE 2 (continued)

Chapter	Short title	Extent of repeal
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937 ...	In section 32(1), in the definition of "area" the words from "as defined" to the end, and the definition of "chief officer of police".
2 & 3 Geo. 6. c. 44.	The House to House Collections Act 1939.	In section 11(1) the definitions of "police area", "police authority" and "chief officer of police".
2 & 3 Geo. 6. c. 103.	The Police and Firemen (War Service) Act 1939.	In section 10(3), the definition of "chief officer of a police force". In section 14, in the definitions of "appropriate authority" and "constable" the words "within the meaning of the Police Pensions Act 1921".
8 & 9 Geo. 6. c. 11.	The Police (His Majesty's Inspectors of Constabulary) Act 1945.	The whole Act.
9 & 10 Geo. 6. c. 46.	The Police Act 1946	The whole Act, except sections 3(3), 5(5), 9(1) and 16, paragraphs 2, 4, 8 and 9 of Schedule 2, paragraph 4 of Schedule 3 and Schedule 4.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Police Act 1946.
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	In section 78, the words "within the meaning of the Police Pensions Act 1921".
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947 ...	In section 38(1), the definitions of "chief officer of police", "police area", "police authority" and "police force".
12, 13 & 14 Geo. 6. c. 5.	The Civil Defence Act 1948 ...	In section 3(3), the words from "that is to say" to the end. In section 9(1), the definition of "police force".
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949 ...	In Schedule 6, paragraph 8(4).
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 87(3)(a).
14 Geo. 6. c. 21.	The Miscellaneous Financial Provisions Act 1950.	Section 3.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 84(4) the definition of "police area" and "police force".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 23(1) the definition of "police force" and, in the definition of "relevant police authority" the words from "maintained" to "other police force" and the words "(within the meaning of the Police Pensions Act 1921)". In Schedule 2, in Part I, in paragraph 4, in column 2, the words from the beginning to "any other police force" and the

APPENDIX B TO SCHEDULE 2 (continued)

Chapter	Short title	Extent of repeal
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	words "(within the meaning of the Police Pensions Act 1921)".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 109(6), the words from "the expression 'police authority'" to "1921; and".
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	In Schedule 8, paragraph 18.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960 ...	Section 202(3). In section 257(1), the definition of "chief officer of police".
8 & 9 Eliz. 2. c. 63.	The Road Traffic and Roads Improvement Act 1960.	In section 2(10) the words from "and" to "to those expenses".

SCHEDULE 3

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1965

Provisions of the Act	Subject matter of provisions
Section 5(4) to (6)	Removal of chief constables.
Section 8(3), and, in its application to counties, section 8(4).	Financial provisions.
Section 16	Special constables.
Section 17	Police cadets.
Section 19(2) to (5)	Jurisdiction of special constables.
Section 25(5)	Police authority for area consisting of, or including, Cambridge.
Section 29	Removal of chief constables &c.
Section 33	Regulations for police forces.
Section 34	Regulations for special constables.
Section 35	Regulations for police cadets.
Section 37	Disciplinary appeals.
Section 44	Police Federation for England and Wales.
Section 45	Police Council for Great Britain.
Section 46	Police Advisory Board for England and Wales.
Section 47	Membership of trade unions.
Section 56	Metropolitan and City of London police funds.
Section 63, so far as it relates to the amendment set out in Appendix A to this Schedule.	Minor and consequential amendments.
Section 64(3), so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals and transitional provisions.

SCHEDULE 3 (continued)

Provisions of the Act	Subject matter of provisions
Schedule 5	Disciplinary appeals.
Schedule 9, so far as it relates to the amendment set out in Appendix A to this Schedule.	Minor and consequential amendments.
Schedule 10, so far as it relates to the repeals set out in Appendix B to this Schedule.	Enactments repealed.

APPENDIX A TO SCHEDULE 3

AMENDMENT TAKING EFFECT ON 1ST APRIL 1965

*Enactment**Amendment*

The Betting, Gaming and Lotteries Act 1963. 1963 c. 2.	In Schedule 2, in paragraph 1, subparagraph (5) shall be omitted.
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APPENDIX B TO SCHEDULE 3

REPEALS TAKING EFFECT ON 1ST APRIL 1965

Chapter	Short title	Extent of repeal
10 Geo. 4. c. 44.	The Metropolitan Police Act 1829.	In section 5, the words from "and the said justices" to the end.
1 & 2 Will. 4. c. 41.	The Special Constables Act 1831.	The whole Act.
5 & 6 Will. 4. c. 43.	The Special Constables Act 1835.	The whole Act.
1 & 2 Vict. c. 80.	The Special Constables Act 1838.	The whole Act.
2 & 3 Vict. c. xciv.	The City of London Police Act 1839.	In section 14, the words from "and the said Commissioner" to the end.
2 & 3 Vict. c. 93.	The County Police Act 1839.	The whole Act.
19 & 20 Vict. c. xvii.	The Cambridge Award Act 1856.	Sections 51 to 55.
22 & 23 Vict. c. 32.	The County and Borough Police Act 1859.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Sections 191(4) and 196.
51 & 52 Vict. c. 41.	The Local Government Act 1888.	Section 9(1). Section 30(3). Section 66. In section 78(1) the words "either alone or jointly with the quarter sessions". Section 93.
10 Edw. 7 & 1 Geo. 5. c. 13.	The Police (Weekly Rest-Day) Act 1910.	The whole Act.
4 & 5 Geo. 5. c. 61.	The Special Constables Act 1914.	The whole Act.
9 & 10 Geo. 5. c. 46.	The Police Act 1919.	The whole Act.

APPENDIX B TO SCHEDULE 3 (continued)

Chapter	Short title	Extent of repeal
13 & 14 Geo. 5. c. 11.	The Special Constables Act 1923.	Sections 1 and 2. In section 5 the words from "and the" to the end.
17 & 18 Geo. 5. c. 19.	The Police (Appeals) Act 1927.	The whole Act except in relation to any punishment imposed before 1st April 1965.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933	Section 157(2). In section 159(1) the words from "including" to the end.
6 & 7 Geo. 6. c. 8.	The Police (Appeals) Act 1943	In section 305 the definition of "Standing joint committee". The whole Act except in relation to any punishment imposed before 1st April 1965.
9 & 10 Geo. 6. c. 46.	The Police Act 1946	Sections 3(3), 5(5) and 16. In Schedule 2, paragraphs 2, 4, 8 and 9. Schedule 4.
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956.	Section 1(1)(a).
7 & 8 Eliz. 2. c. 38.	The Police Federation Act 1959	The whole Act.
9 & 10 Eliz. 2. c. 51.	The Police Federation Act 1961	The whole Act.
10 & 11 Eliz. 2. c. 25.	The Police Federations Act 1962	The whole Act.
1963 c. 2 ...	The Betting, Gaming and Lotteries Act 1963.	In Schedule 2, paragraph 1(5), paragraph 3(1) and in paragraph 3(2) the word "other". In Schedule 3, in paragraph 1(b), the words "except in subparagraph 5(b) of the said paragraph 1".

SCHEDULE 4

PROVISIONS COMING INTO FORCE ON 1ST JUNE 1965

Provisions of the Act	Subject matter of provisions
Section 2	Police authorities for counties and county boroughs.
Section 3(2)	Combined police authorities.
Section 63, so far as it relates to the amendment set out in Appendix A to this Schedule.	Minor and consequential amendments.
Section 64(3), so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.
Schedule 9, so far as it relates to the amendment set out in Appendix A to this Schedule.	Minor and consequential amendments.
Schedule 10, so far as it relates to the repeals set out in Appendix B to this Schedule.	Enactments repealed.
In Schedule 11, paragraphs 1 to 4 and 11, 12 and 13.	Transitional provisions.

APPENDIX A TO SCHEDULE 4
AMENDMENT TAKING EFFECT ON 1ST JUNE 1965

<i>Enactment</i>	<i>Amendment</i>
<p>The Road Traffic and Roads Improvement Act 1960 8 & 9 Eliz. 2. c. 63.</p>	<p>In section 2(8), for the words "a standing joint committee or watch committee" there shall be substituted the words "a police authority which is a committee of the council of a county or borough".</p>

APPENDIX B TO SCHEDULE 4
REPEALS TAKING EFFECT ON 1ST JUNE 1965

Chapter	Short title	Extent of repeal
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Section 190.
51 & 52 Vict. c. 41.	The Local Government Act 1888	Section 30(1) and (2). Section 34(3)(c). Section 81(7) and (8). Section 5(4).
21 & 22 Geo. 5. c. 45.	The Local Government (Clerks) Act 1931.	In section 15 the definition of "Joint committee".
9 & 10 Geo. 6. c. 46.	The Police Act 1946	The whole Act.
8 & 9 Eliz. 2. c. 63.	The Road Traffic and Roads Improvement Act 1960.	In section 2(8), the words from "and any proceedings" to the end.

SCHEDULE 5

TRANSITIONAL PROVISIONS

1. A police force shall not be maintained under section 1 of the Act for a county borough which will cease to exist on 1st April 1965 under section 3 of the London Government Act 1963(a), that is to say, for a county borough for the time being comprised in the metropolitan police district.

2. Section 6(4) of the Act (appointment and promotion of deputy and assistant chief constables) shall have effect until 1st April 1965 (when section 33 of the Act is brought into force)—

(a) in relation to a county force, as if for the words "by the police authority" to the end there were substituted the words "by the chief constable subject, in the case of an appointment to the office of deputy chief constable, to the approval of the police authority";

(b) in relation to a borough force, as if the words "after consultation" to the end were omitted.

3. Section 7(2) of the Act (appointments and promotions below the rank of assistant chief constable) shall have effect until 1st April 1965 (when section 33 of the Act is brought into force), in relation to a borough force, as if for the words "by the chief constable" there were substituted the words "by the police authority".

4. For the purposes of section 9(2) of the Act and section 2 of the Metropolitan Police Act 1886 (compulsory purchase orders) anything preliminary to the confirmation of a compulsory purchase order done by the Minister of Housing and

Local Government before 1st August 1964 (when the provisions of the Act relating to compulsory purchase orders are brought into force) shall have effect as if it had been done by the Secretary of State.

5. An amalgamation scheme made or approved under section 21 of the Act shall not be expressed to come into operation—

(a) in so far as it amends a previous amalgamation scheme so as to reconstitute the combined police authority as a committee of a county or county borough council, before 1st June 1965 (when section 3(2) of the Act is brought into force) ;

(b) in any other case, before 1st August 1964 (when section 64(3) of the Act and Schedule 10 thereto are brought into force, so far as they repeal sections 3(1), 4(1) and 6(1) of the Police Act 1946).

6. Schedule 8 to the Act (meaning of " police area ", &c.) shall have effect—

(a) until 1st April 1965 (when adjustments are made to the metropolitan police district by section 76 of the London Government Act 1963), as if the reference to the said section 76 were a reference to section 16 of, and Schedule 4 to, the Police Act 1946 ; and

(b) until 1st June 1965 (when section 2 of the Act is brought into force), as if the authority mentioned in column 2 in relation to a police area being a county were the standing joint committee for that county.

7. The amendment to section 9 of the Riot Damages Act 1886 specified in Schedule 9 to the Act shall have effect until 1st June 1965 (when section 2 of the Act is brought into force) as if the standing joint committee for a county were a committee of the council of that county.

8. Any provision of the Act which refers to police cadets shall have effect until 1st April 1965 (when section 17 of the Act is brought into force) as if that reference were omitted therefrom.

9. Any provision of the Act which refers to regulations under section 33 or under Part II thereof shall have effect until 1st April 1965 (when section 33 of the Act is brought into force) as if the reference included a reference to regulations under the Police Act 1919.

10.—(1) This paragraph shall apply where a provision of the Act (hereinafter referred to as the principal provision) refers to some other provision thereof and the principal provision is brought into force before the date (hereinafter referred to as the second operative date) on which that other provision is brought into force.

(2) As respects the period before the second operative date, the principal provision shall have effect, subject to the provisions of this Schedule, as if the reference to the other provision were omitted therefrom.

11.—(1) In this Schedule the expression " county force " means the police force of a county having a separate police force or a combined police force constituted by a county scheme under the Police Act 1946.

(2) In this Schedule the expression " borough force " means the police force of a borough having a separate police force (other than the City of London police force), a combined police force constituted by a borough scheme under the Police Act 1946 or the River Tyne police force.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force all the provisions of the Police Act 1964, in their application to England and Wales ; different dates are appointed for the coming into force of different provisions of the Act.

1964 No. 874 (C. 10) (S. 61)

POLICE

SCOTLAND

**The Police Act 1964 (Commencement No. 2)
Order 1964**

Made - - - - 16th June 1964

In exercise of the powers conferred on me by section 65(2) and (3) of the Police Act 1964^(a) I hereby make the following Order :—

1. This Order may be cited as the Police Act 1964. (Commencement No. 2) Order 1964.

2. The provisions of the Police Act 1964 specified in Schedules 1 and 2 hereto shall come into operation for Scotland on the dates and to the extent specified therein.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

16th June 1964.

SCHEDULE 1

**PROVISIONS OF THE POLICE ACT 1964 COMING INTO FORCE ON
1ST AUGUST 1964**

PART I

Section 59 (Amendments of Police (Scotland) Act 1956) so far as it relates to the amendments set out in Part II hereof.

Section 63 (Minor and consequential amendments) so far as it relates to the amendments set out in Part III hereof.

Section 64(2) and (6) (Interpretation, repeals and transitional provisions) and, so far as it relates to the repeals set out in Part IV hereof, section 64(3).

Section 65(1), (2), (3) and (5) (Short title, commencement and extent).

PART II

AMENDMENTS TAKING EFFECT ON 1ST AUGUST 1964

<i>Provision of Schedule 7 to the Police Act 1964</i>	<i>Effect on Police (Scotland) Act 1956</i>
Paragraph 1	Amendment of section 1 (Police areas for which police forces are to be maintained).
Paragraph 2	Amendment of section 4 (General functions of constables).
Paragraph 3	Amendment of section 6 (Appointment and tenure of office of chief constables).
Paragraph 4	Insertion of section 6A (Power of Secretary of State to require retirement of chief constables, etc.).
Paragraph 5	Amendment of section 7 (Appointment and tenure of office of constables other than chief constables).
Paragraph 6	Amendment of section 10 (Deputy chief constables).
Paragraph 9, under exclusion of section 11A therein.	Insertion of section 11B (Regulations as to standard of equipment) and section 11C (Disciplinary appeals).
Paragraph 10	Amendment of section 12 (Pay, allowances, expenses and rewards).
Paragraph 11	Amendment of section 16 (Aid of one police force by another).
Paragraph 12	Insertion of section 16A (Collaboration agreements).
Paragraph 13	Amendment of section 23 (Provisions as to constables serving on overseas police service).
Paragraph 14, under exclusion of section 23A therein.	Insertion of section 23B (Information as to manner of dealing with complaints).
Paragraph 15	Amendment of section 29 (Central training and other common services).
Paragraph 16	Insertion of section 29A (Research) and section 29B (Central service on police duties).
Paragraph 17	Insertion of section 30A (Local inquiries).
Paragraph 18	Insertion of section 33A (Assistant inspectors and staff officers) and section 33B (Pensions of inspectors and assistant inspectors).
Paragraph 19	Amendment of section 34 (Annual and other reports by chief constables).

<i>Provision of Schedule 7 to the Police Act 1964</i>			<i>Effect on Police (Scotland) Act 1956</i>
Paragraph 20	...	...	Amendment of section 36 (Regulations and orders).
Paragraph 21	...	...	Insertion of Schedule 1A (Disciplinary appeals).

PART III

AMENDMENTS TAKING EFFECT ON 1ST AUGUST 1964

<i>Enactment</i>	<i>Amendment</i>
The Firearms Act 1937. 1 Edw. 8 & 1 Geo. 6. c. 12.	In Schedule 3, after the entry relating to offences under the Sexual Offences Act 1956, there shall be inserted the entry— “Offences under section 24(1) of the Police (Scotland) Act 1956 or under section 51(1) of the Police Act 1964”.
The Police (Overseas Service) Act 1945. 9 & 10 Geo. 6. c. 17.	In section 2, after subsection (1) there shall be inserted the following subsection— “ (1A) Notwithstanding anything in the last foregoing subsection, a person who has engaged for a period of overseas service may be promoted in his home police force as if he were serving in that force ; and in any such case the reference in that subsection to the rank in which he was serving immediately before he engaged as aforesaid shall be construed as a reference to the rank to which he is promoted, and for the purposes of any such scale as is mentioned in that subsection he shall be treated as having served in that rank from the time of his promotion.” In section 2(2) for the words “ the last foregoing subsection ” there shall be substituted the words “ subsection (1) of this section ”. In section 3(1) for the words “ within the meaning of the Police Pensions Act 1921 ” there shall be substituted the words “ within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964 ”.
The National Insurance (Industrial Injuries) Act 1946. 9 & 10 Geo. 6. c. 62.	In section 78 for the words “ that Act ” there shall be substituted the words “ the Police Pensions Act 1948 ”.

*Enactment**Amendment*

The Police Pensions Act
1948.
11 & 12 Geo. 6. c. 24.

In section 1(4), after the words "who transfers" there shall be inserted the words "or has transferred".

In section 8(1), in the definition of "police authority", for the words "has the same meaning as in section 30 of the Police Pensions Act 1921" there shall be substituted the words "means any police authority within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964"; and, in the definition of "police force", for the words from "maintained for any police area" to "Police (Scotland) Act 1946" there shall be substituted the words "within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964".

PART IV

REPEALS TAKING EFFECT ON 1ST AUGUST 1964

Chapter	Short Title	Extent of Repeal
4 & 5 Geo. 5. c. 44.	The Metropolitan Police (Employment in Scotland) Act 1914.	The whole Act except as applied by the Special Constables Act 1923.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921.	The whole Act except sections 10 and 30 and Schedule 3.
17 & 18 Geo. 5. c. 19.	The Police (Appeals) Act 1927.	The whole Act except in relation to any punishment imposed before 1st August 1964.
6 & 7 Geo. 6. c. 8.	The Police (Appeals) Act 1943.	The whole Act except in relation to any punishment imposed before 1st August 1964.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	Section 13.
4 & 5 Eliz. 2. c. 26.	The Police (Scotland) Act 1956.	In section 1, subsections (2), (3), (4) and (7). Section 10(3).

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1965

PART I

Section 44 (Police Federations).

Section 45 (Police Council for Great Britain).

Section 46 (Police Advisory Boards for England and Wales and for Scotland).

Section 47 (Membership of trade unions).

Section 59 (Amendments of Police (Scotland) Act 1956) so far as it relates to the amendments set out in Part II of this Schedule.

Section 64(3) (Interpretation, repeals and transitional provisions) so far as it relates to repeals set out in Part III of this Schedule.

PART II

AMENDMENTS TAKING EFFECT ON 1ST APRIL 1965

<i>Provision of Schedule 7 to the Police Act 1964</i>	<i>Effect on Police (Scotland) Act 1956</i>
Paragraph 7 	Insertion of section 10A (Police cadets).
Paragraph 8 	Amendment of section 11 (Regulations as to government and administration of police forces).
Paragraph 9 so far as it relates to section 11A.	Insertion of section 11A (Regulations for police cadets).

PART III

REPEALS TAKING EFFECT ON 1ST APRIL 1965

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 46.	The Police Act 1919.	The whole Act.
13 & 14 Geo. 5. c. 11.	The Special Constables Act 1923.	In section 5 the words from " and the " to the end.
7 & 8 Eliz. 2. c. 38.	The Police Federation Act 1959.	The whole Act.
9 & 10 Eliz. 2. c. 51.	The Police Federation Act 1961.	The whole Act.
10 & 11 Eliz. 2. c. 25.	The Police Federations Act 1962.	The whole Act.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force for Scotland those provisions of the Police Act 1964 which are set out in the Schedules to the Order. The provisions in Schedule 1 are brought into force on 1st August 1964 and those in Schedule 2 on 1st April 1965.

1964 No. 875

TOWN AND COUNTRY PLANNING,
ENGLAND AND WALESThe Town and Country Planning (Grants) Regulations
1964

<i>Made</i> - - - -	15th June 1964
<i>Laid before Parliament</i>	22nd June 1964
<i>Coming into Operation</i>	1st July 1964

The Minister of Housing and Local Government, with the consent of the Treasury, in exercise of the powers conferred on him by sections 184, 185, 186 and 221 of the Town and Country Planning Act 1962(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Grants) Regulations 1964 and shall come into operation on 1st July 1964.

Interpretation

2.—(1) In these regulations except where the context otherwise requires—

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

“the Act of 1944” means the Town and Country Planning Act 1944(b);

“the Act of 1947” means the Town and Country Planning Act 1947(c);

“the Act of 1954” means the Town and Country Planning Act 1954(d);

“the Minister” means the Minister of Housing and Local Government;

“clearing”, in relation to land, has the meaning assigned to it by section 221 of the Act and includes the following operations:—

(a) the disconnection and filling in or removal of sewers, mains, pipes, cables or other apparatus on, over or under the land;

(b) the carrying out of the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments, tombstones and other memorials and of fixtures and furnishings under section 82 of the Act;

“financial year” means a period of 12 months beginning with the first day of April;

(a) 10 & 11 Eliz. 2. c. 38.

(b) 7 & 8 Geo. 6. c. 47.
(d) 2 & 3 Eliz. 2. c. 72.

(c) 10 & 11 Geo. 6. c. 51.

“notional loan charges” means, in relation to any expenditure, the amount of the annual payment that would be required to repay that expenditure if it had been a sum borrowed from the Local Loans Fund at the time when the expenditure was defrayed, and were repayable together with interest at the rate for such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund, or, where there are two rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over such period not exceeding 60 years as the Minister may determine ;

“part II expenditure” or “part III expenditure” means expenditure eligible for grant under part II or III of these regulations respectively and includes in the case of part II expenditure the cost mentioned in regulation 5(2) ;

“preliminary development”, in relation to any land approved for the purposes of part II of these regulations, means the carrying out of any work determined by the Minister either generally or in relation to particular land to be

- (a) work preparatory to the development of the land for the purposes for which it was acquired or appropriated ; or
- (b) work comprised in the initial stages of such development.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

General Conditions

3. Any payment of grant under these regulations shall be subject to the condition that the local authority shall have kept such records and furnished such information and returns as may be required by the Minister in connection with his functions thereunder.

General provisions as to payment

4.—(1) Claims in respect of any grant payable under these regulations shall be submitted at such times and in such form as the Minister may determine and an advance or advances of such proportion as the Minister may determine of the estimated amount of the grant payable in accordance with these regulations may be paid on account. The balance of the grant payable shall be paid and any excess of advances over grant payable shall be recoverable after the accounts of the expenditure in respect of which the claim has been made have been audited and certified and the grant payable has been ascertained.

(2) Where in any financial year there is, on applying the provisions of sub-paragraphs (a) and (b) of regulation 7(1) to such part II approved land as the Minister may determine, an excess of the amount arrived at under the said sub-paragraph (b) over the amount arrived at under the said sub-paragraph (a) the Minister may for the purposes of calculating grant under these regulations apply the excess in reduction of any amount in respect of which grant would but for the reduction be payable in that financial year.

(3) Any grant payable under these regulations shall be calculated to the nearest pound, a fraction of a pound in the final result being ignored or reckoned as a pound according as it is or is not less than ten shillings.

PART II

GRANTS UNDER SECTION 184(1)(a) OF THE ACT IN CONNECTION WITH ACQUISITION, CLEARING AND PRELIMINARY DEVELOPMENT OF LAND FOR WAR DAMAGE REDEVELOPMENT

Expenditure eligible for grant under this part

5.—(1) Grant shall be payable by the Minister to local authorities in respect of expenditure incurred by them, whether before or after 1st April 1964, in connection with

(a) the acquisition for war damage redevelopment of land approved by the Minister for the purposes of this part of the regulations (referred to in these regulations as “part II approved land”) being land acquired under Part I of the Act of 1944 or section 38 or 40 of the Act of 1947 (including land acquired by virtue of section 19 of that Act) or section 68 or 71(1)(a) of the Act (including land acquired by virtue of sections 129 to 133 of the Act), and

(b) the clearing and preliminary development of any land falling within the last foregoing sub-paragraph.

(2) For the purposes of this part of these regulations land appropriated by a local authority to a purpose, being a purpose in respect of which grant would be payable thereunder in connection with the acquisition of the land had it been acquired for that purpose, shall be treated as if it had been acquired for that purpose and at a cost of such amount as shall be determined by the Minister.

(3) The expenditure which may be reckoned as expenditure incurred in connection with the acquisition, clearing and preliminary development of part II approved land shall for the purposes of these regulations be such as may be approved by the Minister with the consent of the Treasury after deduction of such contributions, receipts, credits, or other items received by or due to the local authority in respect of land concerned as the Minister with such consent may determine, and such expenditure may include any sums or any parts of sums paid by local authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expenses incurred in consequence of the restriction) provided that grant has not been paid or become payable in respect thereof under these regulations or any other regulations made under sections 93 or 94 of the Act of 1947 or section 184 of the Act.

Conditions of payment of grant

6. The payment of grant in pursuance of this part of the regulations shall be dependent upon the fulfilment of the following conditions:—

(a) that each case is approved by the Minister for the purposes of these regulations;

(b) that the local authority shall, where the carrying out of any works by them is necessary to achieve the purpose for which the land was acquired, carry out the works in a reasonably expeditious manner and shall, in a case where disposal of the land is necessary to achieve the said purpose, effect its disposal in a manner approved by the Minister.

Calculation and amount of grant

7.—(1) Subject to the provisions of regulation 4(2), grant in respect of part II approved land shall be payable annually for such period in relation

to any part II expenditure as the Minister may determine (but not exceeding 60 years) and shall be in respect of each financial year 50 per cent. of the amount arrived at by—

- (a) taking in respect of part II expenditure defrayed out of money borrowed by the local authority the amount of the notional loan charges calculated by reference to the expenditure so defrayed up to the end of the financial year for which the grant is being calculated and adding to that amount the amount of any part II expenditure defrayed in that financial year otherwise than as aforesaid ; and
- (b) taking the amount of the annual equivalent of the capital value of so much of the approved land as the Minister shall at the end of each financial year determine plus the amount of any income received during that year in respect of the balance of the approved land ; and
- (c) subtracting from the total amount arrived at under sub-paragraph (a) of this paragraph the total amount arrived at under sub-paragraph (b) thereof.

(2) In this regulation " the annual equivalent of the capital value " means the amount of the annual payment that would be required to repay the amount represented by the capital value if that last mentioned amount had been borrowed from the Local Loans Fund at the time of development, appropriation, sale or disposal, and were repayable, together with interest at the rate for such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund or, where there are two rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over a period of 60 years.

Increased rate of grant in certain cases

8. As respects land of any of the following descriptions that is to say—

- (a) land comprised in a compulsory purchase order made by a local authority under the Act of 1944, or the Act of 1947, and confirmed before 26th February 1954, being land acquired for any of the purposes specified in subsection (5)(a) of section 93 of the Act of 1947 as that section had effect apart from the provisions of section 50 of the Act of 1954, and
 - (b) land acquired by agreement for any of those purposes with the consent of the Minister given before that date, and
 - (c) land appropriated by a local authority for any of those purposes before that date, and
 - (d) land acquired or appropriated for any of those purposes (whether before or after that date), being land contiguous or adjacent to and falling within any of the preceding paragraphs of this regulation,
- regulation 7 shall apply as if for the references in paragraph (1) thereof to 50 per cent. and part II expenditure there were substituted, respectively, references to 90 per cent. and to such portion of part II expenditure as relates to that land :

Provided that the land is in each case approved by the Minister for the purposes of this regulation and also that grant shall not be payable in respect of any such land at a higher rate in respect of a year or part of a year which together with the preceding years or parts of years in respect of which grants at a higher rate have been paid in the case of that land, would extend beyond the total period of 5, or, as the case may be, 8 years as determined by the Minister.

PART III

GRANTS UNDER SECTION 184(1)(b) AND (c) OF THE ACT FOR COMPENSATION
PAYABLE TO THE NATIONAL COAL BOARD*Expenditure eligible for grant under this part*

9.—(1) Subject to the provisions of regulation 10, grant shall be payable by the Minister to local authorities under this part of these regulations in respect of expenditure incurred by those authorities in the payment of compensation in respect of land of the National Coal Board to which the relevant provisions as to statutory undertakers apply by virtue of regulations made under section 204 of the Act, being compensation payable under Part VII or Part X thereof (otherwise than as mentioned in section 170(2) or section 171(1)(c) of the Act), or in taking any action under section 28, section 37 or section 61(2) of the Act in respect of such land of the National Coal Board as aforesaid.

(2) The expenditure incurred as aforesaid shall for the purposes of these regulations be such as may be approved by the Minister with the consent of the Treasury after deduction of any such contributions towards that expenditure as the Minister may with such consent determine.

Conditions of payment of grant

10. The payment of grant in pursuance of this part of these regulations shall be dependent upon the fulfilment of the following conditions:—

- (a) that each case is approved by the Minister for the purposes of these regulations, which approval may be given subject to a limitation of the amount of expenditure which will be eligible for grant under the last preceding regulation; and
- (b) that the Minister is satisfied that the local authority acted with reasonable care in the events which gave rise to the action in respect of which the expenditure was incurred.

Calculation and amount of grant

11. Subject to any limitation imposed by the Minister under the last preceding regulation, grant shall be payable annually for such period in relation to any part III expenditure as the Minister may determine (but not exceeding 60 years) and shall be in respect of any financial year 50 per cent. of the amount arrived at by taking in respect of part III expenditure defrayed out of money borrowed by the local authority the amount of the notional loan charges calculated by reference to the aggregate amount of such expenditure so defrayed up to the end of the year for which the grant is being calculated and adding to that amount the amount of any part III expenditure defrayed in that financial year otherwise than as aforesaid.

PART IV

REVOCATION AND SAVING

12.—(1) The Town and Country Planning (Grants) Regulations 1959(a) are hereby revoked.

(a) S.I. 1959/1610 (1959 II, p. 2639).

(2) Any expenditure approved by the Minister under the said regulations of 1959, being expenditure in respect of which grant is payable under these regulations, shall be deemed to be approved under these regulations.

Given under the official seal of the Minister of Housing and Local Government on 15th June 1964.

(L.S.)

Keith Joseph,
Minister of Housing
and Local Government.

We consent to the making of these regulations.

M. A. Hamilton.
Ian MacArthur.

Two of the Lords Commissioners of Her Majesty's Treasury on 15th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

As a consequence of the consolidation of previous planning legislation in the Town and Country Planning Act 1962, these regulations replace (with minor amendments resulting from the passing of the Public Works Loans Act 1964 (1964 c. 9)) the Town and Country Planning (Grants) Regulations 1959. References to the corresponding section of the Act of 1962 have, wherever appropriate, been substituted for references to repealed provisions of earlier Acts.

The regulations

- (1) provide for payment of Exchequer grants to local authorities in respect of—
 - (a) (part II of the regulations) expenditure incurred in connection with the acquisition, clearing and preliminary development of land acquired under planning powers for war damage redevelopment and in respect of land appropriated to planning purposes for such redevelopment,
 - (b) (part III) expenditure incurred in the payment of expenses in connection with restrictions on coal mining imposed by or under planning legislation ; and
- (2) determine the basis and method of calculation of such grants and lay down the terms and conditions of payment.

STATUTORY INSTRUMENTS

1964 No. 878 (C. 11)**TRADE UNIONS****The Trade Union (Amalgamations, etc.)
Act 1964 (Commencement) Order 1964***Made - - - - 15th June 1964*

The Minister of Labour in exercise of the powers conferred upon him by section 11(4) of the Trade Union (Amalgamations, etc.) Act 1964^(a) hereby makes the following Order:—

1. The Trade Union (Amalgamations, etc.) Act 1964 shall come into force on 1st July 1964.

2. This Order may be cited as the Trade Union (Amalgamations, etc.) Act 1964 (Commencement) Order 1964.

Dated 15th June 1964.

Joseph Godber,
Minister of Labour.

(a) 1964 c. 24.

1964 No. 879

TRADE UNIONS

The Trade Union Regulations 1964

Made - - - -	15th June 1964
Laid before Parliament	23rd June 1964
Coming into Operation	1st July 1964

The Minister of Labour by virtue of the powers conferred on him by section 13(6) of the Trade Union Act 1871(a), section 7 of the Trade Union (Amalgamations, etc.) Act 1964(b) and of all other powers enabling him in that behalf, and as respects Regulation 12 with the approval of the Treasury, hereby makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Trade Union Regulations 1964 and shall come into operation on 1st July 1964.

(2) Nothing in these Regulations other than Regulation 3 shall apply to amalgamations, transfers of engagements or changes of name which, by virtue of section 11(3) of the Act of 1964, are proceeded with and completed under the enactments repealed by that Act.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the Act of 1964” means the Trade Union (Amalgamations, etc.) Act 1964;

“duly authenticated” means bearing the signature of the Chief Registrar of Friendly Societies or an assistant registrar and the date of the signature;

“the Trade Union Regulations 1876” means the Regulations(d) dated 1st November 1876 as to the registration of trade unions as amended by Regulations(e) dated 29th April 1890 and the Trade Union (Amendment of Fees) Regulation 1922(f).

(3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Revocation

3. The following shall cease to have effect except for the purpose of

(a) 34 & 35 Vict. c. 31. See also S.R. & O. 1925/1261 (Rev. XV, p. 128; 1925, p. 693).

(b) 1964 c. 24. (c) 52 & 53 Vict. c. 63. (d) Rev. XXIII, p. 107.

(e) Rev. XXIII, p. 107; S.R. & O. 1890, p. 1015.

(f) S.R. & O. 1922/844 (Rev. XXIII, p. 107; 1922, p. 1102).

amalgamations, transfers of engagements or changes of name which, by virtue of section 11(3) of the Act of 1964, are proceeded with and completed under the enactments repealed by that Act, that is to say—

- (a) Regulations (2), (16) and (22) of the Trade Union Regulations 1876 and so much of Regulation (24) of those Regulations as prescribes the fee for the registration of an amalgamation or a change of name ; and
- (b) the Trade Union Regulations 1940(a).

Approval of proposed instruments and notices

4.—(1) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed instrument of amalgamation or transfer shall be submitted to the Registrar—

- (a) in the case of a proposed instrument of amalgamation, by one of the amalgamating unions ; and
- (b) in the case of a proposed instrument of transfer, by the transferor trade union.

The application shall be accompanied by two copies of the proposed instrument (one or both of which shall be signed as required by paragraph 7 of Schedule 1 or, as the case may be, paragraph 4 of Schedule 2 to these Regulations) and, where an unregistered trade union is to be a party to the instrument, by a copy of that union's rules.

(2) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed notice to be supplied to members of a trade union in accordance with section 1(2)(a) of that Act shall be submitted to the Registrar by that union and shall be accompanied by two copies of the proposed notice.

(3) The Registrar shall signify his approval of such an instrument or notice by returning to the applicant union one of the copies endorsed with the word " Approved " and duly authenticated.

Contents of instrument of amalgamation or transfer

5.—(1) An instrument of amalgamation shall contain the particulars and information specified in Schedule 1 to these Regulations.

(2) An instrument of transfer shall contain the particulars and information specified in Schedule 2 to these Regulations.

Applications for registration of instruments

6.—(1) An application pursuant to section 1(5) of the Act of 1964 for registration of an instrument of amalgamation shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating unions and shall be submitted to the Registrar in the form TA set out in Schedule 3 to these Regulations. The application shall be accompanied by two copies of the instrument and of the proposed rules of the amalgamated union and by a statutory declaration from each of the amalgamating unions in the form UA set out in Schedule 4 to these Regulations. Each copy of the proposed rules shall be signed by the Secretary of each of the amalgamating unions.

(a) S.R. & O. 1940/2100 (Rev. XXIII, p. 123: 1940 I, p. 1041).

(2) An application pursuant to the said section 1(5) for registration of an instrument of transfer shall be signed by three members of the committee of management or other governing body and the secretary of each of the unions concerned and shall be submitted to the Registrar by the transferee union in the form VA set out in Schedule 5 to these Regulations. The application shall be accompanied by two copies of the instrument and by statutory declarations in the forms WA and XA set out respectively in Schedules 6 and 7 to these Regulations and, if the transferee union is unregistered, by two copies of that union's rules.

(3) In any case where he considers it desirable with a view to ensuring that adequate publicity is given to the date by which complaints must be made to him under section 4 of the Act of 1964 as to the validity of a resolution approving an instrument of amalgamation or transfer, the Registrar may, not later than seven days after the date on which he receives the application for registration of the instrument, require notice to be given or published in such manner, in such form, and on or before such date, as he may direct of the fact that the application for registration has been or is to be made to him.

Registration of instruments

7.—(1) Before registering an instrument of amalgamation the Registrar shall satisfy himself that the proposed rules of the amalgamated union are in conformity with the said instrument and, if the amalgamated union is to be a registered union, that the said rules will provide for all the matters required by the Trade Union Acts 1871 to 1964 to be provided for by the rules of a registered union. Upon registering the instrument the Registrar shall send to the address specified for the purpose on the form TA one copy of the instrument endorsed with the word "Registered" and duly authenticated and, if the amalgamated union is a registered union, a copy of the rules bearing a certificate of registry in the form B subjoined to the Trade Union Regulations 1876; so, however, that the copy of the rules shall not be sent before the date on which the instrument is to take effect.

(2) Before registering an instrument of transfer the Registrar shall satisfy himself that the rules of the transferee union are in conformity with the said instrument. Upon registering the instrument the Registrar shall send to the transferee union one copy of the instrument endorsed with the word "Registered" and duly authenticated.

Applications for registration of rules as altered in pursuance of section 3 of the Act of 1964

8.—(1) This Regulation applies to applications for the registration of an alteration of rules made for the purposes of a transfer of engagements by the committee of management or other governing body of the transferee union pursuant to the powers conferred by section 3 of the Act of 1964.

(2) As respects applications to which this Regulation applies, Regulation (7) of the Trade Union Regulations 1876 shall have effect as if—

(a) for the reference therein to the form C (being the form of application for registration of a partial alteration of rules) there were substituted a reference to the form CA set out in Schedule 8 to these Regulations; and

(b) for the reference therein to the form D (being the form of statutory

declaration which must accompany the application) there were substituted a reference to the form DA set out in Schedule 9 to these Regulations.

Registration of change of name

9.—(1) An application by a registered trade union pursuant to section 6(2) of the Act of 1964 for the registration of a change of name shall be signed by three members of the committee of management or other governing body and the secretary of the union and shall be submitted to the Registrar in duplicate in the form NA set out in Schedule 10 to these Regulations.

(2) The application shall be accompanied, as may be appropriate, either—

(a) by an application and declaration pursuant to Regulation (7) of the Trade Union Regulations 1876 ; or

(b) by a statutory declaration in the form OA set out in Schedule 11 to these Regulations.

(3) Upon registering the change of name the Registrar shall return to the union one copy of the application endorsed with the word "Registered" and duly authenticated.

Modification of forms relating to matters delegated to the Assistant Registrar for Scotland

10. The aforementioned forms of application TA, VA and NA relating to amalgamations, transfers of engagements and changes of name to which this Regulation applies shall be addressed to the Assistant Registrar for Scotland instead of to the Chief Registrar of Friendly Societies and the said forms shall be modified accordingly. This Regulation applies to amalgamations, transfers of engagements and changes of name as respects which the Chief Registrar of Friendly Societies has for the time being in pursuance of his powers under section 8 of the Act of 1964 appointed the Assistant Registrar for Scotland to act on his behalf.

Amalgamations or transfers involving Northern Ireland unions

11. Where a Northern Ireland union is a party to an amalgamation or transfer of engagements these Regulations shall have effect subject to the following modifications, that is to say—

(a) Regulations 4, 6(3) and 8 shall not apply to a Northern Ireland union ;

(b) Regulation 5(2) shall not apply to an instrument of transfer where the transferor union is a Northern Ireland union ;

(c) Regulation 6 shall not require any statutory declaration from, or any information as to the votes recorded by, a Northern Ireland union, and the Registrar may modify the forms TA and VA accordingly ;

(d) the application to the Registrar under Regulation 6(2) for the registration of an instrument of transfer shall be submitted by the transferor union in a case where the transferee union is a Northern Ireland union ; and

(e) so much of paragraph (1) of Regulation 7 as relates to the rules of a registered union shall not apply if the amalgamated union is to be a Northern Ireland union.

*Fees***12. The following fees shall be payable in advance—**

For registration of an instrument of amalgamation or transfer	£10
For registration of a change of name ...	£2
For inspection of documents kept by the Registrar or any assistant registrar under the Act of 1964, or for a copy or extract of any such document, or for any document certified as a true copy of any such document	the fees (if any) payable for the like matters under Regulation (24) of the Trade Union Regulations 1876.

Joseph Godber,
Minister of Labour.

15th June 1964.

We approve Regulation 12.

M. A. Hamilton,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

15th June 1964.

SCHEDULE 1

Regulation 5(1)

CONTENTS OF INSTRUMENT OF AMALGAMATION

1. The instrument shall state that it is an instrument of amalgamation between the unions named therein as the amalgamating unions, and that upon the coming into operation of the instrument the members of the amalgamating unions will become members of the amalgamated union and be subject to that union's rules.

2. The instrument shall either set out the proposed rules of the amalgamated union or state who are the persons authorised to draw up those rules.

3. If the instrument does not set out the proposed rules, it shall contain a summary of what those rules will provide with respect to the following matters—

- (1) the name and principal objects of the amalgamated union ;
- (2) the conditions of admission to membership ;
- (3) the organisation of the amalgamated union, including the methods of appointing and removing its governing body and other principal officers and of altering its rules ; and
- (4) the contributions and benefits applicable to members of the amalgamating unions.

4. The instrument shall specify any property held for the benefit of any of the amalgamating unions or for the benefit of a branch of any of those unions which is not to be vested in the appropriate trustees as defined in section 5(3) of the Act of 1964, and shall state the proposed disposition of any such property.

5. The instrument shall state whether the amalgamated union is to be a registered union.

6. Without prejudice to section 1(5) of the Act of 1964, the instrument shall state the date on which it is to take effect.

7. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating unions.

SCHEDULE 2

Regulation 5(2)

CONTENTS OF INSTRUMENT OF TRANSFER

1. The instrument shall state that it is an instrument of transfer of the engagements of the union named therein as the transferor union to the union named therein as the transferee union, and that upon the coming into operation of the instrument the members of the transferor union will become members of the transferee union and be subject to that union's rules.

2. The instrument shall—

- (1) state what contributions and benefits will be applicable to members of the transferor union under the transferee union's rules ;
- (2) if members of the transferor union are to be allocated to a branch or branches of the transferee union, give particulars of such allocation or the method by which it will be decided ;
- (3) state whether before registration of the instrument the transferee union's rules are to be altered in their application to members of the transferor union and, if so, the effect of any such alterations ; and
- (4) (without prejudice to section 1(5) of the Act of 1964) state the date on which the instrument is to take effect.

3. The instrument shall specify any property held for the benefit of the transferor union or for the benefit of a branch of the transferor union which is not to be vested in the appropriate trustees as defined in section 5(3) of the Act of 1964, and shall state the proposed disposition of any such property.

4. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the unions.

Regulation 6(1)

SCHEDULE 3

FORM TA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF INSTRUMENT OF AMALGAMATION

To the Chief Registrar of Friendly Societies,

Names (and Register Nos. if any) of Amalgamating Trade Unions }

1. Application is hereby made for registration of the instrument of amalgamation of the above-named trade unions.

2. Annexed to this application are two copies of the said instrument and of the proposed rules of the amalgamated union which is to be called the

3. The votes recorded by each of the amalgamating unions on the resolution approving the instrument of amalgamation were as follows—

<i>Name of Union</i>	<i>Votes for</i>	<i>Votes Against</i>
.....
.....
.....
.....

*Signed } Three members of the committee of management or other governing body of [name of trade union].
 }

..... Secretary of [name of trade union].

..... } Three members of the committee of management or other governing body of [name of trade union].
 }

..... Secretary of [name of trade union].

Name and address to which registered copy is to be sent.....

Date 19.....

*Where more than two trade unions are being amalgamated provide for further signatures as may be required.

Regulation 6(1)

SCHEDULE 4

FORM UA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF AMALGAMATION

Name of Trade Union..... Register No. (if any).....

I.....of....., the secretary of the above-named trade union, do solemnly and sincerely declare that a resolution approving the instrument of amalgamation in respect of which the accompanying application for registration is made has been passed by the said trade union on a vote taken in accordance with the provisions of the Trade Union (Amalgamations, etc.) Act 1964, and that the votes recorded by the union on the resolution were as stated in the said application.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one } of Her Majesty's Justices of the Peace } for the County of..... } at..... } in the } said County, this.....day } of..... 19..... }

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

SCHEDULE 5

Regulation 6(2)

FORM VA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

To the Chief Registrar of Friendly Societies,

Name of Trade Union transferring its engagements..... Register No. (if any).....

Name of Trade Union accepting transfer of engagements..... Register No. (if any).....

1. Application is hereby made for registration of the instrument of transfer of the engagements of the first-named trade union (hereinafter called "the transferor union") to the second-named trade union (hereinafter called "the transferee union").

2. Annexed to this application are two copies of the said instrument [*and two copies of the rules of the transferee union].

3. The votes recorded by the transferor union on the resolution approving the instrument of transfer were as follows:

Table with 2 columns: Votes for, Votes Against. Each column has a dotted line for text entry.

4. The transferee union has.....[state by what authority the transfer has been accepted].....undertaken to fulfil the engagements of the transferor union in accordance with the instrument of transfer.

Signed } Three members of the committee of management or other governing body of the transferor union.

..... Secretary of the transferor union.

..... } Three members of the committee of management or other governing body of the transferee union.

..... Secretary of the transferee union.

Name and address to which registered copy is to be sent.....

Date 19.....

*To be included only if the transferee union is unregistered.

Regulation 6(2)

SCHEDULE 6

FORM WA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION ON BEHALF OF TRANSFEROR UNION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

Name of Trade Union.....Register No. (if any).....

I..... of....., the secretary of the above-named trade union, do solemnly and sincerely declare that a resolution approving the instrument of transfer of engagements in respect of which the accompanying application for registration is made has been passed by the said trade union on a vote taken in accordance with the provisions of the Trade Union (Amalgamations, etc.) Act 1964, and that the votes recorded by the union on the resolution were as stated in the said application.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at in the said County, this..... day of..... 19.....

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

Regulation 6(2)

SCHEDULE 7

FORM XA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION ON BEHALF OF TRANSFEREE UNION IN SUPPORT OF APPLICATION FOR REGISTRATION OF INSTRUMENT OF TRANSFER OF ENGAGEMENTS

Name of Trade Union..... Register No. (if any).....

I..... of....., the secretary of the above-named trade union, do solemnly and sincerely declare that by..... [state by what authority the transfer has been accepted]..... the said trade union has undertaken to fulfil the engagements of the in accordance with the instrument of transfer of engagements in respect of which the accompanying application for registration is made [†and that the rules annexed to the said application are the complete rules of the transferee union.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at in the said County, this..... day of..... 19.....

†To be included only if the transferee union is unregistered. *This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

SCHEDULE 8

Regulation 8(2)

FORM CA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF RULES AS ALTERED PURSUANT TO SECTION 3 OF THE ABOVE ACT

To the Chief Registrar of Friendly Societies [the Assistant Registrar for Scotland]
..... Trade Union Register No.....

1. This application for the registration of a partial alteration of the rules of the..... trade union, is made by the seven persons whose names are subscribed at the foot hereof.

2. With this application are sent-

- (a) a printed copy of the registered rules marked to show where and in what way they are altered ;
(b) two printed [or written] copies of the alteration, each marked O, signed by each of the applicants ; and
(c) a statutory declaration of an officer of this trade union that the alteration of rules now submitted for registration was made in exercise of the power conferred by section 3 of the Trade Union (Amalgamations, etc.) Act 1964.

3. We have been duly authorised by the [name of governing body] of the union to make this application on its behalf.

(Signed) 1.
2.
3.
4.
5.
6.
7.

Date..... 19.....

SCHEDULE 9

Regulation 8(2)

FORM DA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF RULES AS ALTERED IN PURSUANCE OF SECTION 3 OF THE ABOVE ACT

..... Trade Union Register No.....

I..... of....., an officer of the above-named trade union, do solemnly and sincerely declare that the alteration of the rules of the trade union, the application for the registration of which is appended to this declaration, has been made by the [name of governing body] of the union by memorandum in writing in exercise of the power conferred by section 3 of the Trade Union (Amalgamations, etc.) Act 1964.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at in the said County, this..... day of..... 19.....

*This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

Regulation 9(1)

SCHEDULE 10

FORM NA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

APPLICATION FOR REGISTRATION OF CHANGE OF NAME

To the Chief Registrar of Friendly Societies,

1. Application is hereby made for registration of a change of the name of the [present name and register No. of trade union] to the following new name:

2. The union has made this change of name [*by the method of doing so expressly provided by rule, and a declaration in the Form OA accompanies this application.] [*by adopting in accordance with its rules an alteration of the provision in them which gives the union its name, and an application for registration of the said alteration of rules accompanies this application.]

Signed } Three members of the committee of management or other governing body.

Secretary.

Date 19.....

*Delete whichever is inapplicable.

Regulation 9(2)

SCHEDULE 11

FORM OA

TRADE UNION (AMALGAMATIONS, ETC.) ACT 1964

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF CHANGE OF NAME

Name of trade union Register No.

I of, the secretary of the above-named trade union, do solemnly and sincerely declare that the union has made the change of name, application for registration of which is appended to this declaration, by the method of doing so expressly provided for by rule of the union's rules in accordance with section 6(1) of the Trade Union (Amalgamations, etc.) Act 1964.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

*Taken and received before me, one of Her Majesty's Justices of the Peace for the County of..... at in the said County, this..... day of..... 19.....

* This is to be altered as the case requires where any declaration is made before a Borough Magistrate or Commissioner for Oaths.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision as to the manner in which trade unions are required to obtain the Registrar's approval to proposed instruments of amalgamation or transfer and proposed notices to members in connection therewith ; as to the content and registration of such instruments ; and as to the registration of alterations in the rules or of changes of name of a trade union.

The Regulations also prescribe the fees payable for the registration of instruments of amalgamation or transfer or of changes of name.

1964 No. 880
WAGES COUNCILS
The Wages Regulation (Hollow-ware) Order 1964

Made - - - - - 15th June 1964

Coming into Operation 29th June 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hollow-ware Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Hollow-ware) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 29th June 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Hollow-ware) Order 1963(c), shall cease to have effect.

Dated 15th June 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1963/1116 (1963 II, p. 1902).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hollow-ware) Order 1963(a) (Order H. (82)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV is:—
 - (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
 - (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule.

PART II

MALE WORKERS

TIME WORKERS

2. The general minimum time rates payable to male time workers are as follows:—

	General minimum time rates per hour	
	s.	d.
(1) Workers aged 21 years or over and employed in the enamel ware section of the trade as—		
(a) Fusers' helpers who work in association with fusers	}	4 5½
(b) Annealers, or		
(c) Scalers		
(2) All other workers except learners	4	3½
(3) Learners, being aged—		
20 and under 21 years	3	6½
19 " " 20 "	2	11½
18 " " 19 "	2	7½
17 " " 18 "	2	2½
16 " " 17 "	1	10
under 16 years	1	6½

Provided that the general minimum time rate otherwise payable to a learner who enters, or has entered, the trade for the first time when aged not less than 17 but less than 21 years shall, during his first 12 months' employment in the trade or until he attains the age of 21 years, whichever period is the lesser, be reduced as follows:—

- (a) during the first six months of such employment or until he attains the age of 21 years, whichever period is the lesser, by 1d. per hour ;
- (b) during the second six months of such employment or until he attains the age of 21 years, whichever period is the lesser, by ½d. per hour.

PIECE WORKERS

3. The piece work basis time rates applicable to male piece workers are as follows:—

		Piece work basis time rates per hour	
		s.	d.
(1) Workers (other than learners) employed—			
(a) as fusers' helpers or dippers in the enamel ware section of the trade		}	4 5½
(b) otherwise than as such fusers' helpers or dippers			
(2) Learners employed—			
(a) as fusers' helpers or dippers in the enamel ware section of the trade, being aged—			
20 and under 21 years	... ..	3	8½
19 " " 20 "	... ..	3	1½
18 " " 19 "	... ..	2	8½
17 " " 18 "	... ..	2	3½
16 " " 17 "	... ..	1	11½
under 16 years	... ..	1	7
(b) otherwise than as such fusers' helpers or dippers, being aged—			
20 and under 21 years	... ..	3	8½
19 " " 20 "	... ..	3	1½
18 " " 19 "	... ..	2	8½
17 " " 18 "	... ..	2	3½
16 " " 17 "	... ..	1	11½
under 16 years	... ..	1	6½

PART III

FEMALE WORKERS

TIME WORKERS

4. The general minimum time rates payable to female time workers are as follows:—

		General minimum time rates per hour	
		s.	d.
(1) Workers other than learners		3	3
(2) Learners, being aged—			
17 and under 18 years	... ..	2	8½
16 " " 17 "	... ..	1	11½
under 16 years	... ..	1	7½

Provided that the general minimum time rates payable during her first 12 months' employment in the trade to a learner who enters, or has entered, the trade for the first time at or over the age of 16 years shall be—

during the first six months of such employment	... ..	1	7½
during the second six months of such employment	... ..	1	7½

PIECE WORKERS

5. The piece work basis time rates applicable to female piece workers are as follows:—

					Piece work basis time rates per hour	
					s.	d.
(1) Workers other than learners	...	...	...	...	3	4½
(2) Learners, being aged—						
17 and under 18 years	...	...	...	...	2	9½
16 „ „ 17 „	...	...	...	...	2	1½
under 16 years	...	...	...	...	1	8½

Provided that the piece work basis time rates applicable during her first 12 months' employment in the trade to a learner who enters, or has entered, the trade for the first time at or over the age of 16 years shall be—

during the first six months of such employment	...	1	7½
during the second six months of such employment	...	1	8½

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

6.—(1) The following minimum overtime rates are payable to all workers other than male workers employed as fusers' helpers, dippers, annealers or scalers in the enamel ware section of the trade:—

- (a) On a Sunday or a customary holiday—
 - for all time worked double time
- (b) On a Saturday, not being a customary holiday—
 - for all time worked in excess of 4 hours ... time-and-a-half
- (c) In any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—
 - for all time worked in excess of 42 hours ... time-and-a-quarter

(2) The following minimum overtime rates are payable to male workers employed as fusers' helpers, dippers, annealers or scalers in the enamel ware section of the trade:—

- (a) On a Sunday or a customary holiday—
 - for all time worked in excess of 2 hours ... double time
- (b) In any week exclusive of any time in respect of which double time is payable under (a) of this sub-paragraph—
 - for all time worked in excess of 42 hours ... time-and-a-quarter

7. In this Part of this Schedule,

(1) the expression "customary holiday" means:—

(a) (i) in England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

(ii) in Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three other days (being days on which the worker normally works) in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid), a day substituted therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day, or a day fixed by agreement between the employer and the worker or his agent.

(2) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the general minimum time rate otherwise payable to the worker ;

(b) in the case of a piece worker, such piece rates as would each yield respectively, in the circumstances of the case, to an ordinary worker at least the same amount of money as one and a quarter times, one and a half times and twice the piece work basis time rate otherwise applicable to the worker.

WAITING TIME

8.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances:—

(a) without the employer's consent, express or implied ;

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;

(c) by reason only of the fact that he is resident thereon ;

(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) the minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged in piece work, is that which would be payable if the worker were a time worker.

PART V

INTERPRETATION

9. In this Schedule the expression "learner" means:—

(1) in the case of a male worker, a worker aged under 21 years and employed under conditions which, in the circumstances of the case, afford a reasonable prospect of advancement to the position of a worker other than a learner ;

(2) in the case of a female worker, a worker aged under 18 years, or a worker aged 18 years or over having less than 12 months' experience in the trade, the worker being employed in either case under conditions which, in the circumstances of the case, afford a reasonable prospect of advancement to the position of a worker other than a learner.

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10.—(1) This Schedule does not apply to workers employed as watchmen, but save as aforesaid applies to workers in relation to whom the Hollow-ware Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the operations in the Hollow-ware Branch of the Hollow-ware Making trade specified in the Schedule to the Trade Boards (Hollow-ware Trade, Great Britain) (Constitution and Proceedings) Regulations 1937(a), namely:—

- (a) all work in connection with—
- (i) the manufacture from sheet iron or sheet steel (hereinafter called black plate) of articles of hollow-ware or parts thereof;
 - (ii) the manufacture of baths and dustbins from black plate or from black plate coated with any metal, of an average thickness not exceeding $\cdot 0392$ of an inch (20 Birmingham Gauge);
 - (iii) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings or parts thereof, for articles specified in (a) (i) and (ii) of this sub-paragraph when done by workers wholly or mainly so engaged, or in association or conjunction with the manufacture specified in (a) (i) and (ii) of this sub-paragraph;
- (b) all work in connection with—
- (i) the manufacture of kegs, drums, tapers, taper-necked cans and painters' pots, or parts thereof;

from black plate of an average thickness less than $\cdot 125$ of an inch (10 Birmingham Gauge), or

from black plate coated with any metal and of an average thickness exceeding $\cdot 01745$ of an inch (27 Birmingham Gauge) but less than $\cdot 125$ of an inch (10 Birmingham Gauge),

and the repair thereof;

when done in a department mainly engaged on work specified in (a) of this sub-paragraph;
 - (ii) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings, or parts thereof, for the articles to the manufacture or repair of which (b) (i) of this sub-paragraph applies.
- (2) Work in connection with the manufacture specified in sub-paragraph (1) of this paragraph includes—
- (a) finishing;
 - (b) the work of persons employed in the factory or workshop in counting or weighing materials handed to workers and articles or parts thereof received from workers;
 - (c) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers and work of a similar nature.
- (3) Notwithstanding anything in this paragraph the following operations are not operations in the Hollow-ware branch of the Hollow-ware making trade:—
- (a) work specified in sub-paragraph (1) of this paragraph when performed in an establishment, branch or department mainly engaged on other work and in which the jointing and finishing of the articles or parts of articles specified in sub-paragraph (1) of this paragraph are done by workers mainly employed in jointing and finishing other articles;
 - (b) finishing (other than enamelling) when performed in a department mainly engaged in the finishing of articles other than articles specified in sub-paragraph (1) of this paragraph and in which no manufacture specified in sub-paragraph (1) of this paragraph is carried on;

- (c) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers, and work of a similar nature when performed in an establishment not otherwise engaged in operations in the hollow-ware branch of the hollow-ware making trade ;
- (d) the manufacture of baths or dustbins from black plate or from black plate coated with any metal, of an average thickness exceeding .0392 of an inch (20 Birmingham Gauge) ;
- (e) the manufacture referred to in (a) (ii) of sub-paragraph (1) of this paragraph in an establishment, branch or department mainly engaged in the operations specified in (d) of this sub-paragraph or in operations other than those specified in sub-paragraph (1) of this paragraph or both in such operations and such manufacture ;
- (f) the manufacture of component parts of motor vehicles, motor plants, aircraft, cycles or motor cycles ;
- (g) the manufacture of any article or part of any article when made in an establishment mainly engaged in the manufacture of motor vehicles, motor plants, aircraft, cycles or motor cycles or of component parts thereof ;
- (h) all clerical work other than work specified in (b) of sub-paragraph (2) of this paragraph ;
- (i) the manufacture of tin rollers, tin roller drums, card cases, coiler cans and other articles for use with textile or other machinery ;
- (j) all work in connection with the maintenance or upkeep of premises, machinery or plant ;
- (k) all work included under the Trade Boards (Keg and Drum Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(a) ;
- (l) all work included under the Trade Boards (Tin Box Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(b).
- (4) The expression "finishing" includes operations of coating (including the processes of galvanising, tinning, enamelling, painting, japanning, lacquering and varnishing), polishing and cleaning articles.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 29th June 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Hollow-ware) Order 1963 (Order H. (82)), which is revoked.

New provisions are printed in italics.

- (a) S.R. & O. 1928/844 (1928, p. 1276). (b) S.R. & O. 1928/847 (1928, p. 1289).

1964 No. 883

THERAPEUTIC SUBSTANCES**The Therapeutic Substances (Preservation of Raw Fish)
Regulations 1964**

<i>Made - - - -</i>	16th June 1964
<i>Laid before Parliament</i>	23rd June 1964
<i>Coming into Operation</i>	1st July 1964

The Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland, in exercise of the powers conferred on them by section 9 of the Therapeutic Substances Act 1956(a) and of all other powers enabling them in that behalf, after consultation with the Medical Research Council, hereby jointly make the following regulations :—

Citation and Commencement

1. These regulations may be cited as the Therapeutic Substances (Preservation of Raw Fish) Regulations 1964 and shall come into operation on 1st July 1964.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“ the Act ” means the Therapeutic Substances Act 1956 ;

“ approved ” means—

- (a) as respects preparations manufactured in England or Wales, approved by the Minister of Health,
- (b) as respects preparations manufactured in Scotland, approved by the Secretary of State, and
- (c) as respects preparations manufactured in Northern Ireland, approved by the Minister of Health and Local Government for Northern Ireland ;

“ chlortetracycline ” and “ oxytetracycline ” mean respectively the substances so named and described in the regulations for the time being in force under section 8 of the Act.

(2) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Sale and supply of substances for the preservation of raw fish

3.—(1) Section 9(1) of the Act shall not apply to the sale or supply of a preparation containing chlortetracycline or oxytetracycline which is sold or supplied in accordance with the conditions set out in the succeeding provisions of this regulation for use in connection with the preservation of raw fish.

(2) The preparation shall contain in an approved diluent—

(a) not more than 15 per cent. of chlortetracycline or oxytetracycline, if the preparation is intended for use in the making of ice in which fish is to be packed, or

(b) not more than 25 per cent. of chlortetracycline or oxytetracycline, if the preparation is intended for use in the making of a solution in which fish is to be dipped.

(3) Every container in which the preparation is sold or supplied shall have affixed thereto a label containing, in addition to any particulars required by regulations made under section 7 of the Food and Drugs Act 1955(a), section 7 of the Food and Drugs (Scotland) Act 1956(b) or section 7 of the Food and Drugs (Northern Ireland) Act 1958(c)—

(a) approved particulars with respect to the storage and use of the preparation, and

(b) the date up to which the contents may be expected to retain their potency if stored in accordance with the particulars mentioned in the last preceding sub-paragraph.

Given under the official seal of the Minister of Health on 16th June 1964.

(L.S.)

Anthony Barber,
Minister of Health.

Given under the seal of the Secretary of State for Scotland on 10th June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Minister of Health and Local Government for Northern Ireland on 12th June 1964.

Wm. J. Morgan,
Minister of Health and Local Government
for Northern Ireland.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations exempt from the restrictions imposed by section 9(1) of the Therapeutic Substances Act 1956 on the sale and supply of substances to which Part II of that Act applies, the sale and supply, in accordance with the conditions specified in the regulations, of preparations containing chlortetracycline or oxytetracycline for use in the preservation of raw fish.

(a) 4 & 5 Eliz. 2. c. 16.

(b) 4 & 5 Eliz. 2. c. 30.

(c) 1958 c. 27 (N.I.).

1964 No. 884

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Accounts) Regulations 1964

<i>Made - - - -</i>	16th June 1964
<i>Coming into Operation</i>	24th June 1964

The Treasury, in exercise of the powers conferred upon them by section 15(1) of the Teachers (Superannuation) Act 1925(a) (hereafter referred to as "the Act") and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. The account of revenue and expenditure required to be kept under section 15 of the Act shall be prepared by the Secretary of State for Education and Science in the form set out in the Schedule to these Regulations.

2.—(1) Expenditure in any financial year upon annual allowances, upon death gratuities, and upon gratuities (other than death gratuities) and other lump sums shall be apportioned between service before 1st June 1922 and service on and after that date in the manner specified in this Regulation.

(2) The amount (taken to the nearest pound) of every annual allowance which is in payment at the end of the financial year or at the end of the last preceding financial year shall be multiplied by a fraction of which the numerator is the period (computed to the nearest year) of the recognised and contributory service of the teacher on and after the 1st June 1922, and the denominator is the total period (similarly computed) of his recognised and contributory service, and the product shall be expressed to the nearest pound.

(3) The sum of the products obtained under the last foregoing paragraph in respect of all annual allowances which are in payment at the end of the financial year shall be divided by the total amount (taken to the nearest pound) of all such allowances.

(4) The sum of the products obtained under paragraph (2) of this Regulation in respect of all annual allowances which are in payment at the end of the last preceding financial year shall be divided by the total amount (taken to the nearest pound) of all such allowances.

(5) The total expenditure in the financial year upon annual allowances shall be multiplied by one half of the sum of the quotients obtained under paragraphs (3) and (4) of this Regulation, and the product shall be expressed to the nearest pound.

(6) The product obtained under the last foregoing paragraph shall be taken to be the amount of expenditure in the financial year upon annual allowances which is attributable to service on and after 1st June 1922, and the difference between that amount and the total expenditure in the financial year upon annual allowances shall be taken to be the amount of that expenditure which is attributable to service before that date.

(7) The amount (taken to the nearest pound) of every death gratuity which is awarded during the financial year shall be multiplied by a fraction of which the numerator is the period (computed to the nearest year) of the recognised and contributory service of the teacher on and after 1st June 1922, and the denominator is the total period (similarly computed) of his recognised and contributory service, and the product shall be expressed to the nearest pound.

(8) The sum of the products obtained under the last foregoing paragraph in respect of all death gratuities which are awarded during the financial year shall be divided by the total amount (taken to the nearest pound) of all such gratuities.

(9) The total expenditure in the financial year upon death gratuities shall be multiplied by the quotient obtained under the last foregoing paragraph, and the product shall be expressed to the nearest pound.

(10) The product obtained under the last foregoing paragraph shall be taken to be the amount of expenditure in the financial year upon death gratuities which is attributable to service on and after 1st June 1922, and the difference between that amount and the total expenditure in the financial year upon death gratuities shall be taken to be the amount of that expenditure which is attributable to service before that date.

(11) Expenditure in any financial year upon gratuities (other than death gratuities) and other lump sums shall be apportioned in like manner as, under paragraphs (7) to (10) of this Regulation, expenditure upon death gratuities is to be apportioned.

(12) For the purposes of this Regulation an annual allowance shall be taken to be in payment at any time if it has been awarded, but has not ceased to be payable, before that time.

3. The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. The Regulations(b) dated 10th January 1928 made by the Treasury under section 15 of the Act regarding the form and manner of preparation of the account to be kept under that section, the Regulations(c) dated 31st October 1944 made by the Treasury under that section, amending the first mentioned Regulations, and the Teachers' Superannuation (Accounts) Regulations 1958(d), are hereby revoked.

5. These Regulations may be cited as the Teachers' Superannuation (Accounts) Regulations 1964 and shall come into operation on 24th June 1964.

M. A. Hamilton,

Ian MacArthur,

Two of the Lords Commissioners of
Her Majesty's Treasury.

16th June 1964.

(a) 52 & 53 Vict. c. 63.

(b) S.R. & O.1928/17 (Rev. VI, p. 486: 1928, p. 466).

(c) S.R. & O.1944/1244 (Rev. VI, p. 486: 1944 I, p. 88).

(d) S.I.1958/1478 (1958 I, p. 1016).

SCHEDULE

FORM OF ACCOUNT

Teachers (Superannuation) Act 1925 (Section 15(1) and Second Schedule)

Account of Revenue and Expenditure under the Teachers (Superannuation) Acts 1918 to 1956 from the 1st April 19 to the 31st March 19

Revenue	£	Expenditure	£
I. To Balance on (Opening of Period of Account)		I. By Allowances and Gratuities attributable to Service before 1st June 1922(a)... ..	
II. To Contributions—		(i) Annual Allowances	
(i) From teachers and other persons eligible		(ii) Additional allowances (lump sums), gratuities in lieu thereof, supplementary death gratuities and short service gratuities	
(ii) From employers		(iii) Death Gratuities	
III. To Moneys provided by Parliament, equal to the Expenditure shown under Heading I of the Expenditure side of this Account(a)		(iv) Transfer values	
IV. To Payments on re-entry into Employment in Contributory Service		II. By Allowances and Gratuities attributable to Service from 1st June 1922:—	
V. To Amounts recovered from returns of contributions in accordance with section 10(1) of the National Insurance Act 1959 ...		(i) Annual Allowances	
VI. To other Revenue		(ii) Additional allowances (lump sums), gratuities in lieu thereof, supplementary death gratuities and short service gratuities	
(i) Transfer Values		(iii) Death gratuities	
(b)		(iv) Transfer values	
(ii) Miscellaneous		(v) Returns of contributions	
VII. To Interest on Mean Balance of Revenue over Expenditure ...		III. By Payments in lieu of graduated contributions made to the National Insurance Fund	
		IV. Other Expenditure ...	
		V. Balance on 31st March	
		19	

-
- (a) The sums shown under these heads (revenue head III, expenditure head I) include amounts spent on benefits payable in respect of poor law service and service as educational organisers. This expenditure is not in fact met by money provided by Parliament. The sums involved are not significant and the work involved in isolating them would be considerable.
- (b) Any expenditure incurred on the discharge of a liability arising from the receipt of a transfer value is shown under the appropriate subhead of head II (Expenditure).
-

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and replace the Regulations dated 10th January 1928 and 31st October 1944 and the Teachers' Superannuation (Accounts) Regulations 1958, which prescribed the form and manner of preparation of the account of revenue and expenditure kept under section 15 of the Teachers (Superannuation) Act 1925.

The Regulations provide for a new method of apportioning expenditure in respect of annual allowances, death gratuities, and other gratuities and lump sums between service before 1st June 1922 and service on and after that date. The form of account has been amended to omit shillings and pence and two headings which no longer apply and to insert new headings for revenue and expenditure in connection with the operation of the National Insurance graduated pension scheme.

1964 No. 885

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Accounts) (Non-grant-aided Schools) Regulations 1964

Made - - - - - 16th June 1964
Coming into Operation 24th June 1964

The Treasury, in exercise of the powers conferred upon them by section 15(1) of the Teachers (Superannuation) Act 1925(a) (hereafter referred to as "the Act"), as applied by clause 9 of a Scheme(b) (hereafter referred to as "the Scheme") dated 11th October 1926 made by the Board of Education with the consent of the Treasury under section 21(1)(a) of the Act regarding schools which are not grant-aided schools, as amended(c), and of all other powers enabling them in that behalf, hereby make the following Regulations :—

1. The account of revenue and expenditure required to be kept under clause 9 of the Scheme shall be prepared by the Secretary of State for Education and Science in the form set out in the Schedule to these Regulations.
2. The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.
3. The Teachers' Superannuation (Accounts) (Non-grant-aided Schools) Regulations 1958(e) are hereby revoked.
4. These Regulations may be cited as the Teachers' Superannuation (Accounts) (Non-grant-aided Schools) Regulations 1964 and shall come into operation on 24th June 1964.

M. A. Hamilton,
Ian MacArthur,
 Two of the Lords Commissioners of
 Her Majesty's Treasury.

16th June 1964.

(a) 15 & 16 Geo. 5. c. 59. (b) S.R. & O. 1926/1314 (Rev. VI, p. 449: 1926, p. 439).
 (c) S.R. & O. 1946/415 (Rev. VI, p. 449: 1946 I, p. 451). (d) 52 & 53 Vict. c. 63.
 (e) S.I. 1958/1479 (1958 I, p. 1018).

SCHEDULE

FORM OF ACCOUNT

Teachers (Superannuation) Act 1925 (Clause 9 and Schedule 1 of Scheme made under Section 21(1)(a) of the Act).

Account of Revenue and Expenditure under the Scheme made under Section 21(1)(a) of the Teachers (Superannuation) Act 1925 for the period from 1st April 19 to 31st March 19 .

Revenue	Expenditure
£	£
I. To Balance on (Opening of Period of Account).	I. By Allowances and Gratuities:—
II. To Contributions—	(i) Annual allowances
(i) From teachers ...	(ii) Additional allowances (lump sums), gratuities in lieu thereof, supplementary death gratuities and short service gratuities
(ii) from employers ...	(iii) Death gratuities ...
III. To payments on re-entry into employment in Contributory service ...	(iv) Returns of contributions.
IV. To Amounts recovered from returns of contributions in accordance with Section 10(1) of the National Insurance Act, 1959.	II. By Payments in lieu of graduated contributions made to the National Insurance Fund.
V. To other revenue ...	III. Other expenditure ...
VI. To Interest on Mean Balance of Revenue over Expenditure.	IV. Balance on 31st March 19

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and replace the Teachers' Superannuation (Accounts) (Non-grant-aided Schools) Regulations 1958, which prescribed the form and manner of preparation of the accounts of revenue and expenditure kept under Clause 9 of the Scheme made under Section 21(1)(a) of the Teachers (Superannuation) Act 1925, relating to non-grant-aided schools. The Regulations provide for a revised form of account by omitting shillings and pence and by inserting new headings for revenue and expenditure in connection with the operation of the National Insurance graduated pension scheme. The form corresponds to the revised form prescribed by the Teachers' Superannuation (Accounts) Regulations 1964 (S.I. 1964/884), for the account kept under Section 15 of the Teachers (Superannuation) Act 1925.

1964 No. 886

WAGES COUNCILS

The Wages Regulation (Perambulator and Invalid Carriage) (Amendment) Order 1964

Made - - - - - 17th June 1964
Coming into Operation 3rd July 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Perambulator and Invalid Carriage Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Perambulator and Invalid Carriage) (Amendment) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 3rd July 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour, 17th June 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Perambulator and Invalid Carriage) Order 1963(a) (Order I. 69)), shall have effect as if in the Schedule thereto:—

1. for paragraph 2 there were substituted the following paragraph:—

“ MALE OR FEMALE WORKERS AGED 21 YEARS OR OVER

2. Subject to the provisions of paragraph 4, the general minimum time rates applicable in any week to the workers specified in Column 1 of the next following Table being male or female workers aged 21 years of age or over are the rates set out in Column 2 as follows:—

Column 1 Class of Workers	Column 2	
	Males	Females
	Per hour s. d.	Per hour s. d.
A. Class A workers, i.e., workers in the occupations specified in (1) to (7) below who have had not less than four years' experience in any trade in the branch of the work on which they are engaged and who in the case of woodworking machinists sharpen and set their own tools and in the case of metallic platers are able to make and to maintain plating solutions	4 6½	3 3½
(1) woodworking machinists;		
(2) makers of complete wooden bodies for perambulators and invalid carriages;		
(3) blacksmiths, forging or working in hot metals including setting and trueing;		
(4) metallic platers on metal deposition;		
(5) fitters and turners;		
(6) varnishers or fine liners of wood or metal bodies;		
(7) upholsterers.		
B. Class B workers, i.e., workers in the occupations specified in (1) to (12) below (not being Class A workers) who have had not less than two years' experience in any trade in the branch of work on which they are engaged and who in the case of woodworking machinists do not sharpen and set their own tools and in the case of metallic platers are unable to make and to maintain plating solutions ...	4 4½	3 2½
(1) woodworking machinists;		
(2) wood body makers other than those specified in Class A(2) above;		
(3) body painters by brush or spray engaged on body painting (other than priming, filling-in coats or dipping) and finishers by brush or spray (other than stove enamellers) or fine liners of chassis and wheels;		
(4) metal polishers and finishers and metallic platers on metal deposition;		

Column 1 Class of Workers	Column 2	
	Males	Females
	Per hour s. d.	Per hour s. d.
(5) rubber tyre workers (perambulator and invalid carriage tyres only);		
(6) hand welders (either arc or gas welding);		
(7) fitters and turners;		
(8) sewing machinists, hood coverers and cutters;		
(9) upholsterers;		
(10) workers employed on cold strip spring bending, setting and trueing;		
(11) workers employed on the operations of assembling, mounting and finishing the same perambulator or bed-folder throughout;		
(12) wheel hand truers who use nipple keys.		
C. Class C workers, i.e., workers in the occupations specified in (1) to (20) below (not being Class A or Class B workers)	4 2½	3 2
(1) workers employed on cold bending (other than cold spring bending), riveting and striking;		
(2) capstan operators;		
(3) workers engaged on processes of painting, i.e., priming and filling-in coats, dipping and spray painting except those in occupations specified in Class A(6) or Class B(3);		
(4) wheel lacers or wheel jig truers;		
(5) automatic, spot or butt welders;		
(6) workers employed on rim rolling, rim cutting, rim punching, rim grinding or rim welding;		
(7) tyre fitters and jointers;		
(8) spoke roll threaders;		
(9) power and hand-press workers;		
(10) power machine drillers;		
(11) stove enamellers, spray or dip;		
(12) metal polishers;		
(13) workers employed on wiring and racking in plating shop;		
(14) sewing machinists, hood coverers and cutters;		
(15) workers employed on cushion filling, banding or studding;		
(16) workers employed on any one of the operations of assembling, mounting and finishing perambulators or bed-folders other than those specified in Class B(11);		
(17) workers employed on the operations of assembling, mounting and finishing the same push-car throughout;		
(18) warehouse and stores workers;		
(19) packers and case makers (both export and home trade);		
(20) any other class of worker not specified in Class A or Class B or in paragraph 3 below.		

2. for paragraph 5 there were substituted the following paragraph :—

“ MALE OR FEMALE WORKERS UNDER 21 YEARS OF AGE

5. Subject to the provisions of paragraph 6, the general minimum time rates applicable in any week to the workers specified in Column 1 of the next following Table being male or female workers aged less than 21 years, are the rates set out in Column 2, that is to say:—

Column 1 Class of Workers	Column 2	
	Per hour s. d.	
(1) MALE PORTERS OR LABOURERS being aged		
20 and under 21 years	3	5½
19 " " 20 "	3	2½
18 " " 19 "	3	0
	Males	Females
	Per hour s. d.	Per hour s. d.
(2) MALE OR FEMALE WORKERS (other than male porters or labourers aged 18 and under 21 years) being aged		
20 and under 21 years	3	5½
19 " " 20 "	3	1½
18 " " 19 "	2	11½
17 " " 18 "	2	6½
16 " " 17 "	2	2½
Under 16 years	2	0½
	2	9½
	2	8½
	2	8
	2	4½
	2	2
	1	11½

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 3rd July 1964, amends the Wages Regulation (Perambulator and Invalid Carriage) Order 1963 (Order I. (69)), by increasing the statutory minimum remuneration fixed by that Order.

New rates are printed in italics.

1964 No. 887 (S. 62)

SHERIFF COURT, SCOTLAND**Act of Sederunt (Alteration of Sheriff Court Fees) 1964**

<i>Made</i> - - - -	16th June 1964
<i>Laid before Parliament</i>	24th June 1964
<i>Coming into Operation</i>	1st July 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(a), as amended, and of all other powers competent to them in that behalf, do hereby enact as follows :—

1.—(1) In undefended actions of separation and aliment or adherence and aliment, where the pursuer, having a finding for expenses, has been throughout the whole of the proceedings an Assisted Person under the Legal Aid (Scotland) Act 1949(b), the pursuer's solicitor may, in his option, and with the consent of the Law Society of Scotland, elect to charge an inclusive fee of £35 12s. 6d. to cover all work from taking instructions up to and including obtaining extract decree. The option shall be exercised by the pursuer's solicitor endorsing a minute to that effect on the initial writ after the close of the proof and before extract of the decree is ordered and when the option is so exercised decree for expenses shall be granted against the defender for the said sum with outlays as hereinafter provided.

(2) The percentage increases shall not apply to the aforesaid inclusive fee.

(3) In addition to the said fee a sum of £3 15s. shall be allowed as outlays, provided that if outlays in excess of that amount are claimed an account of the said outlays shall be remitted to the Auditor of Court for taxation and the sum allowed for outlays shall be the amount of the account as taxed.

2. The Act of Sederunt (Alteration of Sheriff Court Fees) 1961(c) is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Alteration of Sheriff Court Fees) 1964 and shall come into operation on 1st July 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
16th June 1964.

(a) 7 Edw. 7. c. 51. (b) 12, 13 & 14 Geo. 6. c. 63.
(c) S.I. 1961/550 (1961 I, p. 1216).

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt repeals and re-enacts with an increase in fees and outlays the provisions of the Act of Sederunt (Alteration of Sheriff Court Fees) 1961, for the charging of inclusive fees and outlays by solicitors acting for Assisted Persons under the Legal Aid (Scotland) Act 1949, in undefended actions of separation and aliment or adherence and aliment.

1964 No. 888

FACTORIES
The Construction (Notice of Accident, etc.) Order 1964

<i>Made -</i>	<i>17th June 1964</i>
<i>Coming into Operation</i>	<i>24th June 1964</i>

The Minister of Labour by virtue of the powers conferred on him by section 80 of the Factories Act 1961(a), as extended by the Dangerous Occurrences (Notification) Regulations 1947(b), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1.—(1) This Order may be cited as the Construction (Notice of Accident, etc.) Order 1964 and shall come into operation on 24th June 1964.

(2) The Construction (Notice of Accident, etc.) Order 1962(c) is hereby revoked.

2. The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. Written notice of an accident to be given under section 80 of the Factories Act 1961, or of an occurrence of one of the classes to which the said Dangerous Occurrences (Notification) Regulations 1947 apply, shall, in respect of an accident or occurrence in the carrying on of a building operation or work of engineering construction, be in the form set out in the Schedule to this Order and shall contain the particulars therein specified.

Dated 17th June 1964.

Joseph Godber,
Minister of Labour.

(a) 9 & 10 Eliz. 2. c. 34.

(b) S.R. & O. 1947/31 (Rev. VII, p. 480: 1947 I, p. 719).

(c) S.I. 1962/272 (1962 I, p. 260).

(d) 52 & 53 Vict. c. 63.

FACTORIES ACT 1961, section 80
(as extended by S.R. & O. 1947 No. 31)

F. 43B

FOR OFFICIAL USE

District and date of receipt.

Prescribed form of written notice of
ACCIDENT OR DANGEROUS OCCURRENCE
occurring in the carrying on of a Building
Operation or Work of Engineering Construction

1 (a) Person (or company or firm) undertaking Building Operation or Work of Engineering Construction:

M.R. Group

Name
Registered office or address

Ref. to

(b) Actual employer of injured person (if other than above):

M. of T., etc.

Name
Address

1. Serial No.

(c) Trade of actual employer of injured person (*tick item which applies*):

2. M.W.B.G.

3. Age Group

4. F., N.F., D.O.

4(a).

4(b).

Asphalt/tar sprayers	Electrical contractors	Plant hiring contractors
Builders (General)	Flooring contractors	Plasterers
Building and civil engineering contractors	Glaziers	Plumbers
Civil engineering contractors	Heating and ventilation contractors	Reinforced concrete contractors
Constructional engineers	Joiners and carpenters	Roofers
Demolition contractors	Painters and decorators	Scaffolding contractors
Other trade (<i>specify</i>)		

2 SITE where accident or dangerous occurrence happened:
 (a) Address (and telephone number) of site
 (b) Exact place on site

3 NATURE OF WORK carried on at:
 (a) Building Operations (*tick items which apply*)
 (i) Construction
 (ii) Maintenance
 (iii) Demolition.....
 of {
 (iv) Industrial building
 (v) Commercial or public building
 (vi) Dwellings over 3 storeys
 (vii) Dwellings of 3 storeys or less
 (viii) Other

(b) Work of Engineering Construction (*specify type*)

4 INJURED PERSON

(a) Full name (*surname first*)
 (b) Address
 (c) Occupation (*tick item which applies*):

Bricklayer	Carpenter/Joiner	Painter	Plasterer	Plumber	Scaffolder
Steel erector	Demolition worker	Steepjacks	Slater/Tiler/Other roofing worker		
Labourer (<i>specify trade where labourer worked for a tradesman</i>)					
Other occupation (<i>specify</i>)					

Note: Semi-skilled men or apprentices should be classified under the appropriate occupation.

5 ACCIDENT or DANGEROUS OCCURRENCE

(a) Date Time
 (b) Full details of how the accident or dangerous occurrence happened. If a fall of person or materials, plant, etc., state height of fall. (*If necessary continue overleaf*.)

5. Process _____

6. S.I.C. _____

7(a). Causation _____

7(b). _____

7(c). _____

7(d). _____

7(e). _____

7(f). _____

7(g). _____

7(h). _____

7(i). _____

7(k). _____

7(l). _____

8. Occupation _____

- (c) State exactly what injured person was doing at the time.
- (d) If machinery was involved, state:
 - (i) Name and type of machine concerned (inc. cranes)
 - (ii) Part of machine involved
 - (iii) Whether in motion by mechanical power at the time

6 INJURIES AND DISABLEMENT

- (a) Nature and extent of injury (e.g., fracture of leg, laceration of arm, scalded foot, scratch on hand followed by sepsis).
- (b) Was injured person disabled for more than three days from earning full wages at the work at which he was employed ?
- (c) Was the accident fatal ?

7 Has accident (or dangerous occurrence) been entered in the General Register ?
Signature of Contractor, Employer, or Agent

Date

9. Injury Nature	Site
10. Trade of employer	
11.	
12.	
13.	

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the form of written notice of an accident or dangerous occurrence required to be sent to the factory inspector for the district in cases where the accident or dangerous occurrence happens in the course of building operations or works of engineering construction.

The form prescribed by this Order is in substitution for that prescribed for such cases by the Construction (Notice of Accident, etc.) Order 1962, which is revoked.

1964 No. 889 (L. 6)

MAGISTRATES' COURTS**PROCEDURE****The Magistrates' Courts (No. 2) Rules 1964**

<i>Made</i> - - - -	18th June 1964
<i>Laid before Parliament</i>	24th June 1964
<i>Coming into Operation</i>	10th July 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules :—

1. For the proviso to Rule 5(7) of the Magistrates' Courts Rules 1952(c), as amended(d), there shall be substituted the following proviso :—

“ Provided that, where the court gives leave to counsel or the solicitor for the accused to be heard after, as well as before, the evidence is taken, counsel or the solicitor for the prosecution shall be entitled to be heard immediately before counsel or the solicitor for the accused is heard for the second time.”

2. For Rule 17(5) of the Magistrates' Courts Rules 1952 there shall be substituted the following paragraph :—

“(5) If the accused is allowed to address the court twice as aforesaid, the prosecutor may also address the court immediately before the accused does so for the second time.”

3.—(1) These Rules may be cited as the Magistrates' Courts (No. 2) Rules 1964.

(2) These Rules shall come into operation on 10th July 1964, but shall not apply to any inquiry into an offence, or any summary trial of an information, where the inquiry or summary trial began before that date.

Dated 18th June 1964.

Dilhorne, C.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

(c) S.I. 1952/2190 (1952 II, p. 1593).

(d) There is no amendment which relates to the subject matter of these Rules.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Magistrates' Courts Rules 1952 with regard to the procedure to be followed by a magistrates' court inquiring into an offence as examining justices or trying an offence summarily. They provide that, where the prosecution have the right to address the court after the hearing of the evidence for the defence, the right shall be exercisable before the final address to the court on behalf of the defence and not, as at present, after it. The changes correspond to that made by the Criminal Procedure (Right of Reply) Act 1964 (c. 34) as regards the order of closing speeches in trials on indictment.

1964 No. 890 (L. 7)
SESSIONS
**The Borough Quarter Sessions (Assessors) (Amendment)
Rules 1964**

Made - - - - 18th June 1964
Coming into Operation 1st July 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 19 of the Children and Young Persons Act 1963(a), as amended by section 34 of the Administration of Justice Act 1964(b), hereby make the following Rules :—

1. The Borough Quarter Sessions (Assessors) Rules 1964(c) shall apply to the Crown Court at Liverpool and the Crown Court at Manchester as they apply to the courts of quarter sessions for Liverpool and Manchester, as the case may be, but as if references therein to the recorder included a reference to any judge of the Court.

2. These Rules may be cited as the Borough Quarter Sessions (Assessors) (Amendment) Rules 1964 and shall come into operation on the first day of July 1964.

Dated 18th June 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules apply the Borough Quarter Sessions (Assessors) Rules 1964 to the Crown Courts at Liverpool and Manchester so that the Judges of those Courts will sit with members of the Juvenile Court Panels for those Cities as assessors when appeals from Juvenile Courts or committals by them for sentence or a restriction order are heard.

(a) 1963 c. 37.

(b) 1964 c. 42.

(c) S.I. 1964/27 (1964 I, p. 50).

1964 No. 903**AGRICULTURE****The Agricultural Lime Scheme 1964**

<i>Made</i>	19th June 1964
<i>Laid before Parliament</i>	25th June 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland, in exercise of the powers vested in them by section 1 of the Agriculture Act 1937(a), as amended by section 27 of the Agriculture (Miscellaneous War Provisions) Act 1940(b), and section 1 of the Agriculture (Miscellaneous Provisions) Act 1943(c) and amended and extended by section 97 of the Agriculture Act 1947(d) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Scheme.

Citation and Commencement

1. This Scheme may be cited as the Agricultural Lime Scheme 1964 and shall come into operation on 1st August 1964.

Revocation of Previous Scheme

2. The Agricultural Lime Scheme 1947(e), the Agricultural Lime (Amendment) Scheme 1951(f), the Agricultural Lime (Amendment) Scheme 1953(g), the Agricultural Lime (Amendment) Scheme 1955(h), and the Agricultural Lime (Amendment) Scheme 1960(i) are hereby revoked.

Interpretation

3.—(1) In this Scheme, unless the context otherwise requires—

“agricultural land” means any land used as arable, meadow or pasture ground, or for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act 1922(j) or the Allotments (Scotland) Act 1922(k), or any land wholly or mainly cultivated for the production of vegetables or fruit;

“approved association” means an association which has been approved by the Ministers for the purposes of this Scheme;

“approved supplier” means a supplier of lime who has been approved by the Ministers for the purposes of and in accordance with the provisions of this scheme;

(a) 1 Edw. 8 & 1 Geo. 6. c. 70.

(c) 6 & 7 Geo. 6. c. 16.

(e) S.R. & O. 1947/1829 (Rev. I, p. 127: 1947 I, p. 10).

(f) S.I. 1951/513 (1951 I, p. 9).

(h) S.I. 1955/473 (1955 I, p. 63).

(j) 12 & 13 Geo. 5. c. 51.

(b) 3 & 4 Geo. 6. c. 14.

(d) 10 & 11 Geo. 6. c. 48.

(g) S.I. 1953/597 (1953 I, p. 16).

(i) S.I. 1960/546 (1960 I, p. 107).

(k) 12 & 13 Geo. 5. c. 52.

“association” means

- (i) an association of occupiers or any other similar association, being an association registered under the Industrial and Provident Societies Acts 1893 to 1961 or the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963 or which has written rules governing its constitution and management, and being an association which purchases lime in bulk for redistribution to its members, or
- (ii) any such council as is mentioned in section 21 of the Land Settlement (Facilities) Act 1919(a) or any local authority within the meaning of section 22 of the Land Settlement (Scotland) Act 1919(b), being a council or local authority which sells lime to occupiers of land within its district ;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland ;

“occupier” means an occupier of agricultural land in the United Kingdom or any other person having an interest in such land ;

“quality” in relation to any lime means the neutralising value and degree of fineness of that lime.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament and as if this Scheme and the Schemes hereby revoked were Acts of Parliament.

Circumstances in which Contributions may be made

4.—(1) Contributions may be made in accordance with and subject to the provisions of this Scheme towards the cost incurred by an occupier in acquiring and transporting any one of the kinds of lime referred to in column 1 of Part I of Schedule 1 to this Scheme for the purpose of adding it to agricultural land in the United Kingdom, being land which is in his occupation or in which he has an interest, in order to improve the fertility of the soil and in spreading it on such land, or towards the cost incurred by an approved association in acquiring and transporting any one or more of the kinds of lime aforesaid and the cost incurred in spreading such lime.

(2) No contributions shall be made in respect of any lime which has been produced outside the United Kingdom or which, before delivery to the occupier or to the approved association, as the case may be, has been mixed artificially with any other material.

(3) No contributions shall be made in respect of any lime purchased from any person other than an approved supplier.

(4) No contributions shall be made in respect of any lime purchased from an approved supplier other than lime to which the certificate of approval (hereinafter referred to) of that approved supplier extends or lime in respect of which the Ministers have given their consent in pursuance of paragraph 9(7)(a) of this Scheme.

(5) No contributions shall be made in respect of a quantity of lime of less than two tons.

(a) 9 & 10 Geo. 5. c. 59.

(b) 9 & 10 Geo. 5. c. 97.

(c) 52 & 53 Vict. c. 63.

(6) No contributions shall be made under the scheme in respect of any lime which has been delivered to an occupier or an approved association before the coming into operation of this Scheme.

(7) No contributions shall be made until the lime has been spread on agricultural land and then only if it has been so spread within a period of six months or such longer period as the Ministers may in exceptional circumstances allow from the date of its delivery to an occupier or to an approved association. Provided that the Ministers may substitute for the said period of six months a period of nine months where the lime is first used in the growing of mushrooms and a period of twelve months where the lime is first used for the covering of silage if in either case the occupier or approved association has at the time of applying for contribution declared to the Ministers that it was intended so to use the lime.

(8) No contributions shall be made in respect of any lime, the addition of which to the land appears to the Ministers to be or to have been excessive and unreasonable in the particular circumstances.

Rates of Contributions

5.—(1) A contribution in respect of the acquisition and spreading of any one of the kinds of lime referred to in column 1 of Part I of Schedule 1 to this Scheme may be made at the rate appearing in column 4 of the said Part I which is appropriate according to the neutralising value and any degree of fineness appearing respectively in column 2 and 3 of the said Part I or at the rate mentioned in Part II of the said Schedule, together with any additional contributions, in accordance with the said Schedule, as may be appropriate in the particular circumstances.

(2) A contribution in respect of the transport of any one of the kinds of lime referred to in the preceding sub-paragraph may be made in accordance with the provisions of Schedule 2 to this Scheme.

(3) The amount of any contribution in respect of the acquisition, spreading and transport of lime shall not exceed three quarters of the total net cost incurred by the applicant in respect of those items.

(4) Any question whether, in relation to an application for contribution, any lime is or is not of a particular kind or quality referred to in Part I of Schedule 1 to this Scheme shall be determined by the Ministers.

Applications for Contributions

6.—(1) An application for a contribution shall be made in such manner and in such form as the Ministers may from time to time require.

(2) (a) An application for a contribution shall be made within three months of the delivery of the lime to the applicant or within such longer period as the Ministers may, in exceptional circumstances, allow.

(b) If the lime shall not have been spread on agricultural land at the time when the application is made the applicant shall notify the Ministers in writing within 21 days after the expiration of the period allowed for spreading by virtue of the provisions of paragraph 4(7) of this Scheme, or within such longer period as the Ministers may in exceptional circumstances allow, of the fact that it has been so spread and of the date of spreading.

(3) (a) In a case where an application for contribution is proposed to be made by an occupier in respect of lime which is to be acquired by him otherwise than by purchase the applicant shall before delivery to him of the lime inform the Ministers in writing of his intention to acquire, transport, and spread it and shall give to the Ministers such other information as they may require for the purposes of this Scheme and thereupon the Ministers shall inform the applicant whether they will be willing, subject to due compliance with this Scheme in all other respects, to entertain the application.

(b) If the Ministers shall have stated their willingness to entertain the application, any acceptance thereof shall *inter alia* be conditional on the applicant, after delivery of the lime referred to in the preceding subparagraph, affording to a person authorised by the Ministers an opportunity to inspect it and refraining from spreading it until either it has been inspected on behalf of the Ministers or the Ministers have informed the applicant that such an inspection has been dispensed with.

(4) An applicant for a contribution shall at all reasonable times allow any person authorised by the Ministers to inspect and take samples of the lime to which the application relates and to inspect the land on which such lime has been or is intended to be spread and, if so required, shall produce to such person any books, accounts, invoices, receipts or other documents which are in his possession or under his control and give to him such information as he may require so as to enable the application to be verified.

Recovery of Overpayments

7. Any sum paid by way of contribution under this Scheme which is found to have been improperly paid may without prejudice to any other means of recovery available to them or to any criminal proceedings be recovered by the Ministers as a debt due to them or may be deducted by them from any moneys payable or to become payable by them or by one of them to the person from whom they are entitled to recover the overpayment.

Approval of Associations

8.—(1) An application by an association to be an approved association shall be made to the Ministers in writing on its behalf by the Secretary or other authorised officer thereof.

(2) The approval of an association as an approved association may be revoked by the Ministers if it appears to them that the conduct of the association in relation to the administration of this Scheme has been such that it is inexpedient that contributions should be made to it.

Approval of Suppliers

9.—(1) A person may be approved as an approved supplier in either/or both of the following categories, namely,

(a) a producer of lime (hereinafter referred to as "an approved producer"),

(b) a distributor of lime (hereinafter referred to as "an approved distributor").

(2) (a) A person carrying on or proposing to carry on the business of supplying lime may apply to the Ministers for approval as an approved supplier.

(b) An application to the Ministers for such an approval shall be made in writing in such form and manner as the Ministers may require and

shall be accompanied by an undertaking in the terms of paragraph 10 or paragraph 11 of this Scheme as shall be appropriate in relation to the application.

(3) Upon approving a person as an approved supplier the Ministers shall issue to him a certificate of approval which shall be produced or delivered to a person authorised by the Ministers when he shall so require and shall be surrendered to the Ministers when the approval of the approved supplier is withdrawn (as hereinafter mentioned) or otherwise terminated.

(4) A person making an application for approval as an approved producer shall in his application state which of the kinds of lime referred to in column 1 of Part I of Schedule 1 to this Scheme and the respective neutralising values and, where appropriate, degrees of fineness of such kinds of lime, in respect of the supply of which his application is made and shall state the location of all the places at which he proposes to produce or to store such lime or from which he proposes to supply it.

(5) The certificate of approval of an approved producer shall specify the kinds and qualities of lime to which the approval relates and the places at which such lime is to be produced and shall extend only to the supply of lime to approved distributors.

(6) An approved producer may at any time make an application to the Ministers for alteration of the kinds and qualities of lime to which his approval relates or of the places at which such lime is to be produced and, to the extent that the Ministers shall grant such an application, his certificate of approval shall be amended accordingly.

(7) If it shall appear to the Ministers that any lime which has been sold, offered or prepared for sale by an approved producer (being a kind of lime in respect of which he has been approved) is of a quality lower than that to which it purports to conform—

- (a) the approved producer shall not sell or offer for sale any further lime of that description otherwise than as lime of the quality to which it appears to the Ministers to conform and with the consent in writing of the Ministers may so sell it notwithstanding that such lime is not for the time being specified in his certificate of approval and
- (b) the Ministers may withdraw or amend in such manner as they deem appropriate the certificate of approval of the approved producer.

(8) A person making an application for approval as an approved distributor shall in his application state the location of all the places, if any, at which he proposes to deposit or store lime of the kinds to which his approval will extend.

(9) The certificate of approval of an approved distributor shall extend only to the supply of lime acquired by him from an approved producer either directly or through an approved distributor, being lime of a kind and quality to which the approval of the approved producer relates or which the approved producer may sell by virtue of sub-paragraph (7)(a) of this paragraph, and where appropriate to the supply of shell sand taken by him from a place recognised by the Ministers as a suitable source of such sand.

(10) The Ministers may refuse or withdraw the approval of a person as an approved supplier if within twelve months immediately preceding his application for approval or, as the case may be, the notification under sub-paragraph (11) of this paragraph of the proposed withdrawal, he or any person carrying on business in partnership with him has been convicted of

an offence under the Agriculture Act 1937 or otherwise in respect of any matter to which the provisions of Part I of that Act or this Scheme relate and may

- (a) refuse to approve any person on the ground that within the twelve months immediately preceding his application for approval his approval or that of any person with whom he carries on business in partnership has been withdrawn under the preceding provisions of this sub-paragraph; and
- (b) withdraw the approval of any person on the ground that since his approval he or any person employed by him or carrying on business in partnership with him has failed to comply with such an undertaking as is mentioned in sub-paragraph (2)(b) of this paragraph and where the approval of any person has been withdrawn by reason of his or any other person's failure to give any information or to produce, or to permit the taking of copies or extracts from, any books or records the Ministers may refuse to approve him unless the information is given, the books or records are produced, or the taking of copies or extracts is permitted, as the case may be.

(11) Before refusing to approve any person as an approved supplier or withdrawing the approval of any person as an approved supplier and before amending the certificate of approval of an approved producer in pursuance of sub-paragraph (7) of this paragraph the Ministers shall give to such person or approved producer notice in writing stating the grounds on which they propose to act and shall give him an opportunity of being heard by a person appointed by the Ministers for that purpose and shall consider the report of that person.

Undertaking by Approved Producers

10. The undertaking to be given by a person applying for approval as an approved producer shall be as follows:—

- (a) At all reasonable times to allow any person authorised by the Ministers to enter and inspect any premises used by him for the production, storage or supply of any lime in respect of which he is an approved producer, to inspect and take samples of any such lime which may be there and to inspect any machinery, apparatus or equipment used by him for or in connection with the production of such lime.
- (b) To keep records in a manner satisfactory to the Ministers in relation to the production and stocks of any lime in respect of which he is an approved supplier and in relation to the location of and dealings with such lime and to make such records available at all reasonable times for inspection by any person authorised by the Ministers.
- (c) To make to the Ministers, in such form, in such manner and at such times as may be required by them, returns in relation to the production, storage or supply of any lime in respect of which he is an approved producer.
- (d) To give to the Ministers such information as may be required to verify applications for contributions in respect of any lime supplied by him, to produce at all reasonable times to any person authorised by the Ministers books and records required for that purpose and to permit such a person to take copies of or extracts from them.
- (e) To comply with all reasonable requirements of the Ministers for the proper administration of this Scheme.

Undertaking by Approved Distributors

11. The undertaking to be given by a person applying for approval as an approved distributor shall be as follows:—

- (a) To keep records in a manner satisfactory to the Ministers in relation to the acquisition and the supply of any lime in respect of which he is an approved supplier and to make such records available at all reasonable times for inspection by any person authorised by the Ministers.
- (b) To give to the Ministers such information as may be required to verify applications for contributions in respect of any lime supplied by him, to produce at all reasonable times to any person authorised by the Ministers books and records required for that purpose and to permit such a person to take copies of or extracts from them.
- (c) At all reasonable times to allow any person authorised by the Ministers to enter and inspect any premises used by him for the deposit, storage or supply of any lime in respect of which he is an approved supplier and to inspect and take samples of any such lime which may be there.
- (d) (i) To comply with any requirements imposed by the Ministers with a view to the maintenance of the quality and identity of and for the preservation of any lime in respect of which he is an approved supplier and which has been deposited or stored by him and (ii) not to deposit or store any such lime except at a place or on premises which has or have for the time being been approved for that purpose by the Ministers.
- (e) To complete with such information as may be required of him forms of application by occupiers and approved associations for contributions in respect of any lime purchased from him and to deliver such forms to the occupiers and associations concerned.
- (f) To comply with all reasonable requirements of the Ministers for the proper administration of this Scheme.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 15th June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 17th June 1964.

Henry Brooke,
Secretary of State for the Home
Department.

Approved

19th June 1964.

John Hill,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE 1

Paragraphs 4 and 5

In this Schedule "limestone" and "lime" respectively include magnesian limestone and magnesian lime, that is to say naturally occurring combinations of magnesium carbonate and calcium carbonate and the oxides and hydroxides derived therefrom.

PART I

RATES OF CONTRIBUTION WHERE THE LIME HAS BEEN ACQUIRED BY PURCHASE

Column 1 Kind of lime (See Note A below)	Column 2 Neutralising value as declared by the approved producer	Column 3 Fineness (where relevant) as declared by the approved producer		Column 4 Contribution per ton (See Note D below)
		(a) Percentage which will pass through a sieve having square apertures of the size indi- cated in, or, as the case may be, a sieve described in, column 3(b) of this Part of this Schedule oppo- site the reference to the said percentage	(b) Size of apertures of, or description of, sieve	
				s. d.
Lump lime ...	70 to 85 inclusive	—	—	48 3
	Over 85	—	—	53 10
Kibbled lime ...	70 to 85 inclusive	100	1 inch	50 9
	Over 85	100	1 inch	56 3
Ground lime ...	70 to 85 inclusive	100	$\frac{1}{2}$ inch	53 2
	Over 85	100	$\frac{1}{2}$ inch	58 9
Other kinds of burnt lime.	65 to 85 inclusive	—	—	30 0
	Over 85	—	—	31 1
Hydrated lime ...	65 and over	—	—	65 0
Mixed lime (See Note B below).				
Ground limestone	40 and over but under 50	45 and under	100 mesh (See Note C below)	19 0
		Over 45 up to and including 55	100 mesh	19 11
		Over 55	100 mesh	20 11
	50 to 55 inclusive	45 and under	100 mesh	19 11
		Over 45 up to and including 55	100 mesh	20 11
		Over 55	100 mesh	21 10
	Over 55	45 and under	100 mesh	20 11
		Over 45 up to and including 55	100 mesh	21 10
		Over 55	100 mesh	22 10

Column 1	Column 2	Column 3		Column 4
		(a)	(b)	
Agricultural lime- stone dust and pulverised sea shells	40 and over but under 50	20 and over but under 25	100 mesh	s. d. 11 6
		25 to 35 inclusive	100 mesh	13 0
		Over 35 up to and including 45	100 mesh	14 0
	50 and over	Over 45	100 mesh	15 0
		20 and over but under 25	100 mesh	12 6
		25 to 35 inclusive	100 mesh	14 0
		Over 35 up to and including 45	100 mesh	15 0
		Over 45	100 mesh	16 0
Ground chalk, milled	40 to 45 inclusive	100	$\frac{1}{2}$ inch	19 0
	Over 45 up to and including 50	100	$\frac{1}{2}$ inch	19 11
	Over 50	100	$\frac{1}{2}$ inch	20 11
	40 to 45 inclusive	100	$\frac{1}{2}$ inch	17 0
	Over 45 up to and including 50	100	$\frac{1}{2}$ inch	18 0
	Over 50	100	$\frac{1}{2}$ inch	19 0
Ground chalk, unmilled	40 to 45 inclusive	100	$\frac{1}{2}$ inch	14 1
	Over 45	100	$\frac{1}{2}$ inch	14 9
Screened chalk ...	40 to 45 inclusive	100	$\frac{1}{2}$ inch	14 1
	Over 45	100	$\frac{1}{2}$ inch	14 9
	40 to 45 inclusive	100	$\frac{1}{2}$ inch	12 6
	Over 45	100	$\frac{1}{2}$ inch	13 2
	40 to 45	100	1 inch	11 1
	Over 45	100	1 inch	12 4
Other screened chalk, lumpchalk and chalk as dug	40 and over	—	—	7 4
Shell sand(dredged)	25 and over	—	—	8 0
Shell sand (pro- cessed)	25 and over	—	—	6 8
Other shell sand...	25 and over	—	—	5 3
Processed waste, processed by - product lime and marl	40 to 45 inclusive	—	—	11 7
	Over 45	—	—	12 5
Processed carbide waste lime	60 and over	—	—	15 4
Other waste or by- product lime	23 to 30 inclusive	—	—	4 0
	Over 30	—	—	6 0

Column 1	Column 2	Column 3		Column 4
		(a)	(b)	
Any form of calcium oxide, calcium hydroxide or calcium carbonate, or naturally occurring combinations of calcium carbonate or magnesium carbonate and the oxides and hydroxides derived therefrom, in respect of which contributions are not payable by virtue of the foregoing provisions of this Part of this Schedule, being material which appears to the Ministers to be suitable for use for adding to agricultural land in order to improve the fertility of the soil	23 and over	—	—	s. d. For each whole unit of neutralising value 1

Notes

A. The description in this column of any article by a name appearing in the first column of the Fourth Schedule to the Fertilisers and Feeding Stuffs Act 1926(a), as substituted by the Fertilisers and Feeding Stuffs Regulations 1960(b), shall be deemed to refer to that article, as defined in the second column of the said Schedule.

B. Mixed lime will be regarded as consisting wholly of its principal ingredient and contribution will be made by reference to the neutralising value and degree of fineness of the mixed lime. Provided that where the neutralising value is not less than 55 and 100 per cent. of the lime will pass through a sieve having square apertures of $\frac{1}{4}$ inch the contribution payable shall be at a rate of not less than 20s. 3d. per ton.

C. "100 mesh" means a British Standard Test Sieve Mesh No. 100.

D. Additional contributions may be made in accordance with the succeeding provisions of this Part of this Schedule.

ADDITIONAL CONTRIBUTIONS

1. Where any lime, other than waste lime or by-product lime, has been produced in Scotland and acquired for the purpose of being added to agricultural

land in Scotland, an additional contribution may be made in respect of such lime equivalent to one sixth of the contribution which would otherwise be payable.

2. (a) Subject to sub-paragraph (b) of this paragraph where any lime, other than hydrated lime, is delivered in non-returnable paper bags an additional contribution may be made at the rate of 5s. 0d. per ton of the lime.

(b) Where any lime, other than hydrated lime, is packed in non-returnable paper bags for delivery to the Scottish Islands or to the Isles of Scilly and is duly delivered to the Scottish Islands or to the Isles of Scilly an additional contribution may be made at the rate of 10s. 0d. per ton of the lime in lieu of the additional contribution referred to in sub-paragraph (a) of this paragraph.

3. Where any lime, not being shell sand, has been produced in any of the islands hereinafter in this paragraph mentioned an additional contribution may be made in relation to such lime at the appropriate rate as follows:—

<i>Island</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Islay and Skye	9	0
Shetland	11	6

PART II

RATE OF CONTRIBUTION WHERE THE LIME HAS BEEN ACQUIRED OTHERWISE THAN BY PURCHASE

1. For any lime acquired otherwise than by purchase the contribution shall be payable at the rate of 1d. per ton for each unit of neutralising value. Provided that in a case where an approved producer has spread on agricultural land in his occupation in order to improve the fertility of the soil any lime of a kind to which his approval relates and which has been produced by him, a contribution may be made equivalent to three quarters of the appropriate rate calculated in accordance with Part I of this Schedule.

Paragraphs 4 and 5

SCHEDULE 2

RATES OF CONTRIBUTION IN RESPECT OF THE TRANSPORT OF LIME

PART I

England and Wales

(a) Where any lime is delivered in England and Wales elsewhere than in the counties of Cornwall, Montgomery, Cardigan, Merioneth and Pembroke a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect direct delivery from the place of production</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 30 miles		4
For every mile over 30 miles up to 50 miles		2

(b) Where any lime is delivered in the county of Cornwall a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect direct delivery from the place of production</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 30 miles		4
For every mile over 30 miles up to 100 miles		2

(c) Where any lime is delivered in the counties of Montgomery, Cardigan, Merioneth and Pembroke a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect direct delivery from the place of production</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 30 miles	4	
For every mile over 30 miles up to 75 miles	2	

(d) Where any lime is delivered in the Isles of Scilly after being transported by sea from the mainland of Great Britain an additional contribution may be made at the rate of 40s. Od. per ton of lime, provided that the distance of the sea voyage shall be disregarded in determining the amount of any contribution that may be payable in accordance with paragraph (b) of this part of this Schedule.

PART II

Scotland

(a) Where any lime is delivered in Scotland, not being lime falling within the next succeeding paragraph, a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect direct delivery from the place of production</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 30 miles	4	
For every mile over 30 miles up to 100 miles	2	

(b) Where any lime is delivered in Scotland, being lime which has been brought into Scotland from elsewhere and distributed through a depot in Scotland, and the said lime has been moved into the depot from a place of production at a distance of not less than 75 miles from the depot a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect delivery from the depot to the place of delivery</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 30 miles	4	
For every mile over 30 miles up to 100 miles	2	

(c) Where any lime falling within the last preceding paragraph is delivered in Scotland an additional contribution may be made in relation to the situation of the depot, in accordance with the following table:

<i>Situation of depot</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
(i) The counties of Aberdeen, Banff, Caithness, Inverness, Moray, Nairn, Orkney, Ross and Cromarty, Zetland and Sutherland	26	0
(ii) The counties of Angus, Argyll, Bute, Clackmannan, Fife, Kincardine, Kinross and Perth	21	6
(iii) Those counties of Scotland not falling within paragraphs (i) and (ii) of this table	17	0

(d) Where any lime not being lime in respect of which an additional contribution may be made in accordance with the last preceding paragraph is delivered in Scotland after being transported by sea on a voyage falling within sub-paragraphs (i) to (v) below an additional contribution may be made in accordance with the following table, provided that the distance of the sea voyage shall be disregarded in determining the amount of any contribution that may be payable in accordance with paragraphs (a) and (b) of this Part of this Schedule.

<i>Voyage</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
(i) From the mainland of Great Britain to Skye	4	0
(ii) From the mainland of Great Britain to	24	0
(a) Stroma, Orkney and Zetland		
(b) Islands in Bute County		
(c) Inner Hebrides, except Isle of Skye, Luing and the islands mentioned in sub-paragraphs (iii) (b), (c) and (d) below		
(iii) From the mainland of Great Britain to	40	0
(a) Outer Hebrides		
(b) Mull, Tiree, Coll, Iona and the other islands in Mull County district of Argyll		
(c) Colonsay and Oronsay		
(d) Rum, Eigg, Raasay and other islands in Lochaber and Skye County districts of Inverness except the Isle of Skye		
(iv) From any island in the following groups of islands, that is to say Orkney, Zetland, the Hebrides or Bute County to any other island within the same group	24	0*
(v) From Northern Ireland to islands in Bute County and Islay	24	0

* This contribution shall apply only in relation to such voyage within the one group of islands as is immediately followed by delivery of the lime.

PART III

Northern Ireland

Where any lime is delivered in Northern Ireland a contribution may be made in accordance with the following table:

<i>Mileage necessary to effect direct delivery from the place of production</i>	<i>Rate of contribution per ton of lime</i>	
	<i>s.</i>	<i>d.</i>
Up to 5 miles	4	6
For every mile over 5 miles up to 20 miles	4	
For every mile over 20 miles up to 30 miles	2	

PART IV

In a case where it is shown to the satisfaction of the Ministers that, having regard to the situation of the land on which it was spread, it was not practicable to arrange for the delivery of any lime without changing the conveyance or the mode of conveyance in the course of such delivery and thereby incurring extra expense an additional contribution may be made, at the discretion of the Ministers, at a rate not exceeding 5s. 0d. per ton of lime.

EXPLANATORY NOTE

(This note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme is made under the Agriculture Act 1937, as amended, and supersedes the Agricultural Lime Schemes 1947 to 1960. It provides for the payment of contributions towards the cost of acquiring, transporting and spreading lime for agricultural purposes where such lime is purchased from a supplier approved under the Scheme or is acquired otherwise than by purchase.

Contributions are payable at the various rates specified in Schedules 1 and 2 to the Scheme according to the kind and quality of the lime and the distance over which it has been transported. In no case is the contribution to exceed three quarters of the total net cost of acquiring, transporting and spreading the lime.

Suppliers are approved as producers or as distributors and are required to give certain undertakings to facilitate the proper administration of the Scheme. Their approval may be withheld or withdrawn in the event of misconduct or of failure to comply with the conditions which attach to such approval, but only after due notice and the giving of an opportunity to make representations.

1964 No. 904

PROBATION OF OFFENDERS

The Probation (Allowances) Rules 1964

Made - - - - - 20th June 1964

Coming into Operation 22nd June 1964

In pursuance of the powers conferred upon me by Schedule 5 to the Criminal Justice Act 1948(a), as extended by section 36(4) of the Justices of the Peace Act 1949(b) as amended by section 31 of the Administration of Justice Act 1964(c), I hereby make the following Rules:—

1. The rates of travelling and subsistence allowance payable under section 36 of the Act of 1949 to a member in respect of expenditure on travelling, or, as the case may be, on subsistence, necessarily incurred by him for the purpose of enabling him to perform any of his duties as a member shall be the rates set out in Schedules 1 and 2 to these Rules respectively.

2. A member who claims payment of either of the said allowances shall complete and submit to the proper officer an application in the form set out in Schedule 3 to these Rules or in a form substantially to the like effect.

3. The proper officer shall, so far as practicable, arrange for the issue to a member of a ticket, or a document which can be exchanged for a ticket, to cover a journey in respect of which a travelling allowance would otherwise fall to be paid.

4.—(1) The proper officer shall keep a record of every payment made under section 36 of the Act of 1949 showing the amount and nature of the payment and the name of the member to whom it is paid.

(2) For the purposes of this Rule expenditure incurred in the issue to a member of a ticket or other document under Rule 3 of these Rules shall be deemed to be an amount paid to that member.

5. Where expenditure on travelling or subsistence or both, entitles a person to receive an allowance under section 36 of the Act of 1949 in respect of duties as a member and an allowance of the same nature, by whatever name called, under any other enactment in respect of duties in some other capacity, the aggregate amount which that person shall be entitled to receive under the said section 36 on account of the said expenditure shall be reduced by the aggregate amount received by him on that account under the other enactment, and any claim made under the said section 36 shall contain particulars of any amount so received or claimed, or which it is intended to claim, under the other enactment.

6.—(1) In these Rules—

“member” means a member of a probation committee or case committee constituted or appointed under Schedule 5 to the Criminal Justice Act 1948 or section 22 of the Administration of Justice Act 1964;

“proper officer”, in relation to the probation committee for the inner London area to which subsection (2) of the said section 22 relates or a case committee appointed under subsection (3) of the said section 22, means the Receiver for the Metropolitan Police District, and in any other case, means the treasurer of the probation committee responsible for the payment of the allowances under section 36 of the Act of 1949;

“the Act of 1949” means the Justices of the Peace Act 1949.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament, and as if these Rules and the Rules revoked by these Rules were Acts of Parliament.

7. The Rules specified in Schedule 4 to these Rules are hereby revoked.

8. These Rules may be cited as the Probation (Allowances) Rules 1964 and shall come into operation on 22nd June 1964.

Henry Brooke,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

20th June 1964.

SCHEDULE 1

Rule 1

RATES OF TRAVELLING ALLOWANCE

1.—(1) The rate for travel by public service shall be the amount of the fare of the class in which the member chooses to travel but, subject to any supplementary allowances payable under sub-paragraph (2) of this paragraph, shall not exceed the lowest available first class fare.

(2) The rate payable under the foregoing sub-paragraph shall, if the member so claims, be increased by supplementary allowances not exceeding the expenditure incurred on deposit or portorage of luggage, on reservation of seats, or on Pullman Car or similar supplements (other than expenditure on refreshment or sleeping accommodation).

2. The rate for travel by hired motor vehicle shall be—

(a) in cases of urgency or where no public service is reasonably available, the amount of the fare and any reasonable gratuity paid ; and

(b) in any other case, the amount of the fare for travel by the appropriate public service.

3.—(1) The rate for travel by a member's own motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be—

(a) for the use of a motor cycle of cylinder capacity not exceeding 120 cubic centimetres, of an autocyte or of a motor-assisted pedal cycle, 2d. a mile ;

(b) for the use of a motor cycle of cylinder capacity exceeding 120 cubic centimetres but not exceeding 150 cubic centimetres, 2½d. a mile ;

(c) for the use of a motor cycle of cylinder capacity exceeding 150 cubic centimetres but not exceeding 500 cubic centimetres, 3d. a mile.

(2) The rate for travel by a member's own private motor vehicle other than a motor cycle of cylinder capacity not exceeding 500 cubic centimetres shall be 3d. a mile unless such travel—

(a) results in a substantial saving of the member's time ; or

(b) is otherwise reasonable,

in which case the rate shall be—

(i) for the use of a motor cycle of cylinder capacity exceeding 500 cubic centimetres, a motor cycle combination, or a motor car of cylinder capacity not exceeding 500 cubic centimetres, 4d. a mile ;

(ii) for the use of a motor car of cylinder capacity exceeding 500 cubic centimetres, but not exceeding 1,199 cubic centimetres—

for the first 2,000 miles in any year, 7½d. a mile ;

- for the next 5,000 miles in the same year, 6d. a mile ;
 for any further miles in the same year, 4½d. a mile ;
- (iii) for the use of any other vehicle—
 for the first 2,000 miles in any year, 9½d. a mile ;
 for the next 5,000 miles in the same year, 7½d. a mile ;
 for any further miles in the same year, 6½d. a mile.
- (3) The appropriate rate specified in the foregoing provisions of this paragraph shall, if the member so claims, be increased—
- (a) where the rate exceeds 3d. a mile, by ½d. a mile for the carriage, otherwise than by motor cycle, of each additional person to whom an allowance for travelling would otherwise be payable under any enactment ;
- (b) where the rate is 3d. a mile, by 1d. a mile for the carriage, otherwise than by motor cycle, autocycle or motor-assisted pedal cycle, of each additional person as aforesaid, so, however, that the rate when so increased shall not exceed 6d. a mile ;
- (c) in the case of an absence overnight from the usual place of residence, by the amount of any expenditure incurred on garaging a motor vehicle, not exceeding 2s. 6d. a night in the case of a motor car or 1s. 6d. a night in the case of a vehicle of any other type ;
- (d) in any case, by the amount of any expenditure incurred on tolls, ferries or parking fees.
- (4) In calculating the mileage in any year for the purposes of sub-paragraph (2) of this paragraph there shall be added any mileage in that year for which the justice receives a travelling allowance under section 8 or section 36 of the Act of 1949, other than mileage for which the rate, excluding any allowance for passengers, does not exceed 4d. a mile.
- (5) For the purposes of this paragraph—
 “ motor car ” includes a tri-car ;
 “ motor cycle combination ” means a motor cycle with a side car ;
 “ motor cycle ” means a motor cycle without a side car.
4. The rate for travel by air shall not exceed the fare paid but, subject thereto, shall be the rate applicable to travel by the appropriate public service together with an allowance equivalent to the amount of any saving in subsistence allowance consequent upon travel by air.
5. In this Schedule “ public service ” means any service provided for travel by the public by railway, ship, vessel, omnibus, trolley vehicle or tramway.

Rule 1

SCHEDULE 2

RATES OF SUBSISTENCE ALLOWANCE

- 1.—(1) The rate of subsistence allowance shall be—
- (a) in the case of an absence, not involving an absence overnight, from the usual place of residence—
- (i) of more than four but not more than eight hours, 10s. ;
 (ii) of more than eight but not more than twelve hours, 17s. 6d. ;
 (iii) of more than twelve but not more than sixteen hours, 25s. ;
 (iv) of more than sixteen hours, 30s. ;
- (b) in the case of an absence overnight from the usual place of residence, 55s. :
 Provided that for such an absence overnight in Greater London the rate may be increased by a supplementary allowance not exceeding 10s.
- (2) Any rate determined under the preceding sub-paragraph shall be deemed to cover a continuous period of absence of twenty-four hours.
- 2.—(1) The rates specified in the preceding paragraph shall be reduced by an appropriate amount in respect of any meal provided free of charge by any local authority during the period to which the allowance relates.
- (2) In the preceding sub-paragraph “ local authority ” means the corporation of the City of London, the Greater London Council or the council of an administrative county, a borough, a metropolitan borough, an urban district, a rural district or a rural parish.

Rule 2

SCHEDULE 3

FORM OF APPLICATION FOR TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE TO A MEMBER UNDER SECTION 36
OF THE JUSTICES OF THE PEACE ACT 1949

Date	Place and time of departure (2)	Place and time of return (3)	Description of duties (4)	Mode and class of travel (5)	Number of miles travelled by member's own private motor vehicle and rate applicable (6)	Fares and other authorised payments (7)	Travelling allowance claimed (8)	Subsistence allowance claimed (9)
TOTALS					
Particulars of amounts received or claimed, or which it is intended to claim, under any other enactment by way of travelling allowance or subsistence allowance, or any equivalent allowance by whatever name called, in connection with any journey or absence claimed for above.								
AMOUNTS NOW CLAIMED					

I declare that I have actually and necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform duties as a member of the probation committee/case committee for the [Petty Sessional Division] of _____, that I have actually

paid the fares and made the other payments shown in column 7 above and that the amounts claimed do not exceed the amounts which I am entitled to receive in accordance with the rates prescribed by the Probation (Allowances) Rules 1964.

I declare that the statements above are correct. Except as shown above I have not made, and will not make, any claim under any enactment for travelling or subsistence allowances in connection with any journey or absence claimed for above.

Date.....

Signature of member.....

Address (usual place of residence).....

Note:—A member is not entitled to subsistence allowance if the duties are performed not more than three miles from his usual place of residence.

SCHEDULE 4
RULES REVOKED

Rule 7

Rules	References
The Probation (Allowances) Rules 1953.	S.I. 1953/476 (1953 II, p. 1675).
The Probation (Allowances) Rules 1954.	S.I. 1954/1205 (1954 II, p. 1837).
The Probation (Allowances) Rules 1957.	S.I. 1957/272.
The Probation (Allowances) Rules 1960.	S.I. 1960/169 (1960 II, p. 2776).
The Probation (Allowances) Rules 1962.	S.I. 1962/2071 (1962 III, p. 2499).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules consolidate the Rules specified in Schedule 4, which relate to the payment of certain allowances to members of probation committees and case committees. Section 31 of the Administration of Justice Act 1964 amends section 36 of the Justices of the Peace Act 1949 so as to substitute references to subsistence allowance for the references to lodging allowance and these Rules accordingly are in terms of subsistence allowance instead of lodging allowance, the rates of subsistence allowance payable to members being set out in Schedule 2.

1964 No. 907

INDUSTRIAL TRAINING

The Industrial Training (Wool Industry Board) Order 1964

<i>Made</i> - - - -	22nd June 1964
<i>Laid before Parliament</i>	26th June 1964
<i>Coming into Operation</i>	29th June 1964

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Wool Industry Board) Order 1964 and shall come into operation on 29th June 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Wool Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the wool industry the functions conferred on industrial training boards by the Act.

The membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 22nd June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1

THE WOOL INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the wool industry are carrying out, or procuring the carrying out on commission, of any of the following activities in Great Britain:—

(a) 1964 c. 16.

(b) 52 & 53 Vict. c. 63.

- (a) any process—
- (i) of sorting, treating, dyeing, using or consuming fibre containing animal fibre ; or
 - (ii) of treating or dyeing rags ;
- (b) the process of reducing into a fibrous form rags or yarn containing in either case processed animal fibre ;
- (c) the process of carding, combing or re-combing fibre containing animal fibre ;
- (d) the process of making rovings or of spinning yarn containing in either case processed animal fibre ;
- (e) any of the processes of twisting, doubling, folding, winding, warping, warp dressing, beaming, sizing or dyeing yarn which after such processing contains processed animal fibre, or any other process in the preparation of such yarn for further processing ;
- (f) any process in the making up of yarn containing processed animal fibre in the form of hanks, skeins, balls or the like of a kind normally sold by retail ;
- (g) any process in the manufacture of pressed or needle felt containing processed animal fibre ;
- (h) any process in the manufacture of—
- (i) a woven fabric containing processed animal fibre ; or
 - (ii) a bonded fabric containing processed animal fibre but not embodying any knitted fabric ;
- (i) the process of the tufting of pile fabric containing processed animal fibre ;
- (j) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say:—
- (i) research, development, design or drawing ;
 - (ii) operations in connection with sale, packing, warehousing, distribution or transport ;
 - (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage ;
- (k) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the wool industry—

- (a) the activities of any establishment engaged wholly or mainly in the activities following or any of them that is to say:—
- (i) any process mentioned in sub-paragraph (a) or (b) of paragraph 1 of this Schedule when carried out for the purposes of agriculture or of the manufacture of flock or paper ; or
 - (ii) any process mentioned in sub-paragraph (a), (b), (c) or (g) of the said paragraph when carried out for the purposes of the manufacture of felt hats, felt hat hoods, capelines or manchions ; or
 - (iii) any process mentioned in sub-paragraph (h) or (i) of the said paragraph when carried out for the purposes of the manufacture of narrow fabric ; or
 - (iv) the manufacture of carpets or other floor coverings or any process mentioned in any of the sub-paragraphs (a) to (g) of the said paragraph when carried out in conjunction with such manufacture ; or
- (b) the supply of food or drink for immediate consumption ; or
- (c) the activities of any establishment engaged mainly in one or more activities not included in paragraph 1 of this Schedule ; or

- (d) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944(a) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work) ; or
- (e) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act 1958(b), or under section 29 of the National Assistance Act 1948(c) as extended by section 8(2) of the Mental Health Act 1959(d) and section 8(2) of the Mental Health (Scotland) Act 1960(e), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(f)), or under section 28 of the National Health Service Act 1946(g) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(h) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3.—(1) In this Schedule—

- (a) “animal fibre” means fibre (other than hatters’ fur) from the coat or fleece of alpaca, camel, cow, goat, guanaco, hare, lamb, llama, rabbit, reindeer, sheep or vicuna, which fibre has not been subjected to any process other than a process of a kind carried out in the preparation of such fibre for manufacture into rovings, yarn, pressed or needle felt ; and includes fibre which has been recovered but which has not been so subjected subsequent to recovery and also human hair ;
- (b) “carrying out on commission” means the carrying out by any person in pursuance of a contract of work or labour (with or without the provision of materials) of any process mentioned in paragraph 1 of this Schedule wholly or mainly upon or from materials owned in the course of his business by the person procuring the performance of the service ;
- (c) “combing or re-combing” includes gilling, finishing or other processes involved in the production of tops or slubbings delivered in any form other than tops, and the dyeing of tops or slubbing dyeing ;
- (d) “company”, “holding company” and “subsidiary” have the same meanings as in section 154 of the Companies Act 1948(i) ;
- (e) “fabric” means any material woven on woollen or worsted machinery ;
- (f) “manufacture” includes any process of weaving, dyeing, flame-proofing, moth-proofing, printing, finishing, milling, tentering, raising, whipping, binding, tabbing, burling, mending in the greasy or loom state, finished mending, perching, assessing, or cloth examination ;
- (g) “narrow fabric” means fabric (other than scarves or stoles) not exceeding 18 inches in width with two selvages ;
- (h) “processed animal fibre” means animal fibre which has been subjected to any process of manufacture or recovery, but does not include fibre which has been recovered and subsequent to recovery has not been subjected to any process of manufacture ;
- (i) “rags” means any discarded or waste material containing animal fibre being—
- (i) a garment or part of a garment ; or
 - (ii) woven, knitted, netted, crocheted or felted material, other than a thrum or a hosiery clip or overlock ; or

(a) 7 & 8 Geo. 6. c. 10.

(b) 6 & 7 Eliz. 2. c. 33.

(c) 11 & 12 Geo. 6. c. 29.

(d) 7 & 8 Eliz. 2. c. 72.

(e) 8 & 9 Eliz. 2. c. 61.

(f) 10 & 11 Eliz. 2. c. 24.

(g) 9 & 10 Geo. 6. c. 81.

(h) 10 & 11 Geo. 6. c. 27.

(i) 11 & 12 Geo. 6. c. 38.

- (iii) tailors' clippings or other material suitable for processing for the purposes of any process mentioned in paragraph 1 of this Schedule ;
- (j) "sorting" includes taking off, blending, packing and warehousing ;
- (k) "the process of making rovings" includes any process in worsted drawing in either an extended or shortened form in a worsted process or, in a woollen process, carding or scribbling, and any other process resulting in the production of rovings or slubbings ready for spinning ;
- (l) "treating" includes scouring or carbonising ;
- (m) "tufting" means the insertion of a pile yarn of tufts or loops by a tufting machine into a pre-woven backing ;
- (n) "woollen or worsted machinery" means machinery that is designed primarily for the production of woollen or worsted yarn or fabric, and is installed in a textile factory.

(2) For the purposes of this Schedule—

- (a) a fibre or any discarded or waste material shall be deemed not to contain animal fibre unless it contains more than 15 per cent. by weight of animal fibre ; and any fibre, yarn, felt or fabric shall be deemed not to contain processed animal fibre unless it contains more than 15 per cent. by weight of processed animal fibre :

Provided that any fibre used in a process carried out on woollen or worsted machinery shall, notwithstanding anything hereinbefore contained in this Schedule, be deemed to contain animal fibre or processed animal fibre as the case may be ;

- (b) an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister ; or

(b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties ;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I of in the county of being a member of the Wool Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint of or failing him of as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the day of 19... and at any adjournment thereof.

Signed this day of 19....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Wool Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

1964 No. 908

CUSTOMS AND EXCISE

The Import Duty Drawbacks (No. 5) Order 1964

<i>Made</i> - - - -	22nd June 1964
<i>Laid before the House of Commons</i> - -	26th June 1964
<i>Coming into Operation</i>	1st July 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a) and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) In Schedule 2 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of goods produced or manufactured from imported articles), for the entry relating to adhesive tape, as amended by the following Orders, namely—

- The Import Duty Drawbacks (No. 10) Order 1962(c),
- The Import Duty Drawbacks (No. 4) Order 1963(d),
- The Import Duty Drawbacks (No. 10) Order 1963(e), and
- The Import Duty Drawbacks (No. 11) Order 1963(f),

there shall be substituted the entry set out in the Schedule to this Order, which reproduces the said entry as so amended, but with the substitution, in column 1, for the words “(until 31st July 1964)” (which limit the drawback allowed to goods exported on or before that date) of the words “(until 31st July 1965)”.

(2) In consequence of paragraph (1) above, the following provisions are hereby revoked, namely—

- (a) in the Import Duty Drawbacks (No. 10) Order 1962, in Schedule 2, paragraph 1 of Part II,
- (b) Article 1(2) of the Import Duty Drawbacks (No. 4) Order 1963, and
- (c) in the Import Duty Drawbacks (No. 10) Order 1963, paragraph 1 of the Schedule,

and in the Import Duty Drawbacks (No. 11) Order 1963, in paragraph 2(2) of Schedule 2, the words “Adhesive tape,” shall be omitted.

2.—(1) This Order may be cited as the Import Duty Drawbacks (No. 5) Order 1964.

(2) The Interpretation Act 1889(g) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 6 & 7 Eliz. 2. c. 6. (b) S.I. 1962/1685 (1962 II, p. 2040).
(c) S.I. 1962/2336 (1962 III, p. 3233). (d) S.I. 1963/1139 (1963 II, p. 1927).
(e) S.I. 1963/2011 (1963 III, p. 4257). (f) S.I. 1963/2012 (1963 III, p. 4259).
(g) 52 & 53 Vict. c. 63.

(3) This Order shall come into operation on 1st July 1964.

John Hill,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd June 1964.

SCHEDULE

DRAWBACK ON EXPORTATION OF GOODS PRODUCED OR MANUFACTURED FROM IMPORTED

ARTICLES

<i>Exported goods</i>	<i>Imported goods</i>	<i>Rate of drawback</i>
Adhesive tape, of a width not exceeding 6½ ins. consisting of paper coated on one side with adhesive (until 31st July 1965).	Creped paper, manufactured entirely of semi-bleached sulphate cellulose fibre, whether wet-strengthened or not, being paper which is imported in rolls of a width not less than 23 ins. and which is of a weight when fully extended equivalent to more than 24·5 grammes, but not more than 98 grammes, per square metre— on which the duty paid amounted to more than 17s. 6d. per cwt. (1st January 1959); on which the duty paid amounted to more than 13s. 6d., but not more than 17s. 6d. per cwt. (1st July 1960); on which the duty paid amounted to more than 11s. 6d. but not more than 13s. 6d. per cwt. (1st July 1961); on which the duty paid amounted to more than 9s. 6d., but not more than 11s. 6d. per cwt. (1st March 1962); on which the duty paid amounted to more than 8s. 6d., but not more than 9s. 6d., per cwt. (31st October 1962); on which the duty paid amounted to more than 6s. 6d., but not more than 8s. 6d., per cwt. (31st December 1963).	A rate per cwt. of paper equal to 7s. 9·6d. for the first 7s. 6d. of the amount per cwt. of the duty paid on it, plus 1s. 1·2d. for each 1s. 0d. or part of 1s. 0d. of that amount.

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order extends until 31st July 1965 the provision of drawback of import duty on imported creped paper used in the manufacture of exported adhesive tape.

1964 No. 909

CUSTOMS AND EXCISE

The Import Duties (General) (No. 7) Order 1964

<i>Made -</i>	22nd June 1964
<i>Laid before the House of Commons - . .</i>	26th June 1964
<i>Coming into Operation</i>	1st July 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 1, 2 and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1. There shall be made in the Schedule to the Import Duties (General) (No. 3) Order 1961(b) (which Schedule by reference to the Customs Tariff 1959 sets out the import duties chargeable under the Import Duties Act 1958) the amendments set out in the Schedule to this Order, being amendments which reduce duty on certain goods of Convention area origin in accordance with a decision of the Council of the European Free Trade Association to delete certain goods from Annex D to the Convention.

2.—(1) In this Order “the Convention” means the Convention establishing the European Free Trade Association signed at Stockholm on 4th January 1960.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) This Order may be cited as the Import Duties (General) (No. 7) Order 1964.

(2) This Order shall come into operation on 1st July 1964.

John Hill,

Ian MacArthur,

Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd June 1964.

SCHEDULE

AMENDMENT OF IMPORT DUTIES (GENERAL) (No. 3) ORDER 1961

1. In sub-heading 05.04 (B) (1) (edible guts etc. of bovine animals), in column 4, for "20%" there shall be substituted "8%".

2. In heading 08.09, the rates of duty shall be omitted and there shall be inserted the following sub-headings:—

" (A) Melons	10%	—	4%
(B) Other	10%	—	10%"

with the rates of duty in columns 2 and 4.

3. In heading 12.03, the rates of duty shall be omitted and there shall be inserted the following sub-headings:—

" (A) Seeds of coniferous species	10%	—	4%
(B) Other	10%	—	10%"

with the rates of duty in columns 2 and 4.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order introduces reduced E.F.T.A. rates of import duty, in each case equal to two-fifths of the current full rates of import duty, on certain agricultural products which have not previously been subject to E.F.T.A. duty reductions.

1964 No. 910

CUSTOMS AND EXCISE

The Import Duties (Temporary Exemptions) (No. 6)
Order 1964

<i>Made - - - -</i>	22nd June 1964
<i>Laid before the House of Commons</i>	26th June 1964
<i>Coming into Operation</i>	1st July 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 3(6) and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order :—

1.—(1) Until the beginning of 1st January 1965 or, in the case of goods in relation to which an earlier day is specified in Schedule 1 to this Order, until the beginning of that day, any import duty which is for the time being chargeable on goods of a heading of the Customs Tariff 1959 specified in that Schedule shall not be chargeable in respect of goods of any description there specified in relation to that heading.

(2) The period for which the goods of the headings of the Customs Tariff 1959 and descriptions specified in Schedule 2 to this Order are exempt from import duty shall be extended until the beginning of 1st January 1965 or, in the case of goods in relation to which an earlier day is specified in that Schedule, until the beginning of that day.

(3) Any entry in column 2 in Schedule 1 or 2 to this Order is to be taken to comprise all goods which would be classified under an entry in the same terms in the relevant heading in the Customs Tariff 1959.

(4) For the purposes of classification under the Customs Tariff 1959, in so far as that depends on the rate of duty, any goods to which paragraph (1) or (2) above applies shall be treated as chargeable with the same duty as if this Order had not been made.

2.—(1) This Order may be cited as the Import Duties (Temporary Exemptions) (No. 6) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 1st July 1964.

*John Hill,
Ian MacArthur,*

Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd June 1964.

SCHEDULE 1

GOODS TEMPORARILY EXEMPT FROM IMPORT DUTY

<i>Tariff heading</i>	<i>Description</i>
10.05	Flat white maize
28.28	Hydroxyammonium sulphate
28.29	Sodium fluorosilicate
29.02	Dibromodifluoromethane Dodecachloropentacyclo[5:2:1: 0 ² :6: 0 ³ :9: 0 ⁵ :8]decane Pentachloroethane
29.03	<i>p</i> -Bromonitrobenzene 2:2'-Dinitrodiphenyl 1:5-Dinitronaphthalene
29.05	1:4-Di(hydroxymethyl)cyclohexane
29.13	6 α -Fluoro-17 α :21-dihydroxy-16 α -methylpregn-4-ene-3:20-dione (until 2nd September 1964) Methyl <i>n</i> -propyl ketone 14 α :17 α :21-Trihydroxypregn-4-ene-3:20-dione
29.14	2-Hydroxyethyl methacrylate 2-Hydroxypropyl methacrylate Lead tetra-acetate 4-Methylvaleric acid (until 2nd September 1964)
29.15	4-Sulphophthalic acid Tetrabromophthalic anhydride
29.16	4- <i>n</i> -Butyryl-2:3-dichlorophenoxyacetic acid Ethacrynic acid <i>iso</i> Propyl 4:4'-dichlorobenzilate
29.20	Diethyl pyrocarbonate
29.22	Cyclopentamine hydrochloride <i>N</i> -Ethyl-di-(3-phenylpropyl)amine dihydrogen citrate 7-(3-Methylaminopropyl)-1:2-5:6-dibenzocycloheptatriene hydro- chloride
29.23	<i>o</i> -Dianisidine dihydrochloride of a purity not greater than 98.5 per cent. Isatoic anhydride DL-Leucine DL- <i>nor</i> Leucine DL-Lysine dihydrochloride DL-Lysine <i>monohydrochloride</i>
29.25	Ethyl <i>N</i> -3-(1:2-5:6-dibenzocycloheptatrien-7-yl)propylmethylcar- bamate DL-Glutamine Iodoacetamide Niclosamide
29.26	<i>n</i> -Dodecylguanidine acetate
29.27	2:6-Dichlorobenzonitrile <i>o</i> -Tolunitrile
29.28	Azobenzene
29.29	<i>N</i> -(Diethoxyphosphinyloxy)naphthalimide
29.31	2-Chloroallyl diethyldithiocarbamate (until 2nd September 1964) L-Ethionine
29.35	<i>N</i> ² -Acetyl-DL-tryptophan 3-Amino-oxazolid-2-one sulphate

<i>Tariff heading</i>	<i>Description</i>
	2:4-Dimethylthiophan 1:1-dioxide
	L-Histidine
	Pemoline (until 2nd September, 1964)
	2-Phenylindole
	<i>NN'</i> -Trimethyleneurea
	DL-Tryptophan
29.36	<i>N¹N¹</i> -Hexamethylene- <i>N⁴</i> -toluene- <i>p</i> -sulphonylsemicarbazide
29.37	(±)Pantolactone, which yields on hydrolysis not more than 5 parts per million by weight of cyanides calculated as CN
29.39	9 α -Fluoro-11 β :21-dihydroxy-16 α :17 α -isopropylidenedioxypregna-1:4-diene-3:20-dione 21-(hydrogen succinate)
38.11	Preparations containing not less than 0.2 per cent. by weight of 2-[α -(<i>p</i> -chlorophenyl)phenylacetyl]indane-1:3-dione and not less than 95 per cent. by weight of hydrocarbon oil
73.11	Steel sections in coils of a base width of (<i>a</i>) not less than 0.372 inch and not more than 0.4 inch or (<i>b</i>) not less than 0.684 inch and not more than 0.8 inch, and of an upper width of (<i>a</i>) not less than 0.272 inch and not more than 0.3 inch or (<i>b</i>) not less than 0.482 inch and not more than 0.6 inch and of a thickness of not more than 0.3 inch
73.14	Iron or steel wire of a diameter not less than 0.049 inch nor more than 0.151 inch, and having a coating of nickel of not less than 0.0001 inch in thickness
81.04	Vanadium, unwrought, of a purity not less than 99 per cent. and not containing more than 0.1 per cent. of iron calculated as Fe (until 2nd September 1964)
85.18	Tantalum capacitors of a kind for incorporation in deaf aids, being approximately cylindrical in shape with a maximum diameter not exceeding 3 mm. and a maximum length not exceeding 7 mm. exclusive of leads
85.19	Carbon track volume controls of a kind for incorporation in deaf aids, being of drum type with a cylindrical drum not exceeding 12 mm. in diameter and 4 mm. in thickness

SCHEDULE 2

GOODS OF WHICH EXEMPTION FROM IMPORT DUTY EXTENDED

<i>Tariff heading</i>	<i>Description</i>
29.02	<i>sym</i> Dichlorotetrafluoroethane (until 2nd September 1964) 1:2:4-Trichlorobenzene (until 2nd September 1964)
29.03	4-Nitrodiphenyl
29.04	3:7:11:15-Tetramethylhexadecane-1:2:3-triol
29.08	2:5-Di <i>tert</i> butylperoxy-2:5-dimethylhexane (until 2nd September 1964)
29.14	<i>o</i> -Chlorobenzoic acid
29.16	2-Hydroxy- <i>m</i> -toluic acid(-COOH=1)
29.22	4-Aminodiphenyl Benzidine <i>N</i> -Methyltaurine, sodium salt 2-Naphthylamine
29.34	Triethylaluminium (until 4th November 1964)
29.35	Trichloro <i>sym</i> triazinetriene (until 2nd September 1964)
29.42	Diallylnortoxiferine dichloride Noscapine
38.19	Preparations containing not less than 55 per cent. by weight of melamine compounds calculated as melamine and not less than 12 per cent. by weight of peroxides calculated as hydrogen peroxide

<i>Tariff heading</i>	<i>Description</i>
39.01	Polycondensation products of adipic acid and aliphatic alcohols, having an acetyl value of not less than 34 and not more than 38 and having an acid value of less than 1 (until 2nd September 1964)
73.15	Cold-rolled steel strip, with dressed edges, in coils, the strip being not less than 0.002 inch nor more than 0.040 inch in thickness and not less than $\frac{1}{16}$ inch nor more than 4 inches in width, containing not less than 16 per cent. nor more than 18 per cent. by weight of chromium, and not less than 6 per cent. nor more than 8 per cent. by weight of nickel, and being of a tensile strength of not less than 115 tons per square inch
76.03	Aluminium discs of a minimum value of 8s. per lb., not less than 6 inches nor more than 18 inches in diameter and not less than 0.033 inch nor more than 0.036 inch in thickness and which, when either face is placed on a flat surface, do not deviate from the flat by more than 0.010 inch at any point
81.02	Molybdenum, of a purity not less than 99.8 per cent., in the form of rods of not less than 37 inches and not more than 100 inches in length and of not less than $1\frac{1}{8}$ inches and not more than $2\frac{1}{8}$ inches in diameter, and whether or not threaded at the ends (until 2nd September 1964)
85.15	Airborne radio navigational aid apparatus, the following: Interrogator/responders, being transistorised pulse transmitter/receivers used for distance measuring
90.17	Ampoule injectors consisting of a glass reservoir connected to a flexible plastic tube in which is inserted a hypodermic needle protected by a removable plastic sheath, of a total length not exceeding 10 centimetres
92.01	Double-action pedal harps

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order provides that the goods listed in Schedule 1 shall be temporarily exempted from import duty, and those listed in Schedule 2 shall continue to be exempted from import duty, until 1st January 1965, unless a shorter period is indicated against any item.

 STATUTORY INSTRUMENTS

1964 No. 911

MALAYSIA

The Companies Registers (Malaysia) Order 1964

<i>Made</i>	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4(1) of the Malaysia Act 1963(a) and by section 2(3) of the Federation of Malaya Independence Act 1957(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Companies Registers (Malaysia) Order 1964.

(2) This Order shall come into operation on 30th June 1964.

(3) The Interpretation Act 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

2.—(1) Sections 119 to 121 of the Companies Act 1948(d) ("dominion registers") shall apply in relation to the whole of Malaysia as they apply in relation to a part of Her Majesty's dominions.

3. The Companies Registers (Federation of Malaya) Order 1962(e), is hereby revoked.

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables a company registered in Great Britain and transacting business in Malaysia to keep a single branch register in Malaysia of its members resident in that country. It revokes the Companies Registers (Federation of Malaya) Order 1962 which applied only to the Federation of Malaya.

(a) 1963 c. 35.	(b) 5 & 6 Eliz. 2. c. 60.	(c) 52 & 53 Vict. c. 63.
(d) 11 & 12 Geo. 6. c. 38.	(e) S.I. 1962/166 (1962 I, p. 168).	

1964 No. 912

MERCHANDISE MARKS

**The Merchandise Marks (Imported Goods) No. 2 Order
1928 Amendment Order 1964**

Laid before Parliament in draft

Made - - - - - 23rd June 1964
Coming into Operation 30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas the question whether the Merchandise Marks (Imported Goods) No. 2 Order 1928(a), as amended(b), (hereinafter referred to as "the principal Order") should be further amended in the manner hereinafter appearing was referred to the appropriate Committee appointed under the Merchandise Marks Act 1926(c); and, the report of the Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that the principal Order should accordingly be further amended;

And whereas a draft of this Order has lain before Parliament for a period of 40 days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(d) and neither House of Parliament has resolved that the draft be not submitted to Her Majesty;

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

1. The principal Order shall have effect subject to the amendment that for article 13 there shall be substituted the following article:—

" 13. The indication of origin shall be applied to the goods specified in column 1 below in the manner prescribed in relation to those goods in column 2—

Column 1	Column 2
1. Electric incandescent lamps of ornamental design with a bulb to which (on account of its uneven surface) it is not practically possible to apply the indication of origin to the bulb.	(i) Indelibly stamped, embossed, incised or impressed on the cap of the lamp; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be.
2. (a) Pea-bulbs. (b) Surgical instrument lamps. (c) Other electric incandescent lamps, the bulb of which is 15 millimetres or less in diameter.	Indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold, exposed for sale or from which it is sold, as the case may be.

(a) S.R. & O. 1928/570 (Rev. XIII, p. 450: 1928, p. 844). (b) The relevant amending instrument is S.R. & O. 1931/127 (Rev. XIII, p. 450: 1931, p. 767).

(c) 16 & 17 Geo. 5. c. 53.

(d) 9 & 10 Geo. 6. c. 36.

Column 1	Column 2
3. Electric incandescent lamps, the bulb of which is over 15 millimetres* and not over 35 millimetres in diameter.	(i) Indelibly stamped, embossed, incised or impressed on the cap of the lamp, or indelibly marked on the bulb; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be.
4. Any other electric incandescent lamp.	(i) Indelibly marked on the bulb; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be."

2. The Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment Order 1931(a) is hereby revoked.

3.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment Order 1964 and shall come into operation at the expiration of 7 days from the date hereof.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Merchandise Marks (Imported Goods) No. 2 Order 1928, as amended, prohibits the importation into, or the sale or exposure for sale in, the United Kingdom of imported electric incandescent lamps unless they bear an indication of origin applied in the manner specified in the Order.

This Order varies the manner in which the indication of origin is to be applied to electric incandescent lamps, the bulb of which is over 15 mm. and not over 35 mm. in diameter. The indication is now required to be indelibly marked on the carton, wrapper or container, and also either indelibly marked on the bulb or indelibly stamped, embossed, incised or impressed on the cap. The requirements as to the manner of marking other electric incandescent lamps remain unchanged.

This Order revokes an earlier amending Order (S.R. & O. 1931/127), the effect of which is incorporated in this Order.

The Report referred to in this Order is contained in Command Paper No. 2238.

(a) S.R. & O. 1931/127 (Rev. XIII, p. 450: 1931, p. 767).

(b) 52 & 53 Vict. c. 63.

1964 No. 913

MERCHANDISE MARKS

**The Merchandise Marks (Imported Goods) No. 10 Order
1933 Amendment Order 1964**

Laid before Parliament in draft

Made - - - - - 23rd June 1964

Coming into Operation 23rd June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas an enquiry in relation to the classes and descriptions of goods to which this Order applies has been held by the appropriate Committee appointed under the Merchandise Marks Act 1926(a); and, the report of the Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that an Order should be made amending the provisions of the Merchandise Marks (Imported Goods) No. 10 Order 1933(b) (hereinafter referred to as "the principal Order");

And whereas a draft of this Order has lain before Parliament for a period of 40 days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(c) and neither House of Parliament has resolved that the draft be not submitted to Her Majesty;

Now therefore Her Majesty, by and with the advice of Her Privy Council and in pursuance of the powers conferred by sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

1. The principal Order shall have effect subject to the following amendments:—

(i) for Article 1 there shall be substituted the following Article—

"1. Subject to Article 2, it shall not be lawful to sell or expose for sale in the United Kingdom imported goods of any class or description specified in the Schedule hereto unless they bear an indication of origin applied in the manner specified in that Schedule in relation to that class or description."

(a) 16 & 17 Geo. 5. c. 53.

(b) S.R. & O. 1933/491 (Rev. XIII, p. 567; 1933, p. 1344).

(c) 9 & 10 Geo. 6. c. 36.

(ii) for Article 2 there shall be substituted the following Article—

“ 2. Article 1 shall not apply to—

- (a) any frame, tube or rib forming part of an imported umbrella, if that umbrella itself bears an indication of origin applied by being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material, or by means of a transfer in a contrasting colour, being a label or transfer securely affixed or attached (as the case may be) to the tube adjacent to the handle or, if there is no handle, to that end of the tube adjacent to the unattached extremities of the collapsed ribs ;
- (b) any tube or rib forming part of any imported frame, if that frame itself bears an indication of origin applied in the manner specified in the Schedule hereto in relation to frames ;
- (c) any frame, tube or rib forming part of an umbrella assembled in the United Kingdom, if that umbrella bears an indication which is expressed to be an indication of origin of that frame, tube or rib and is applied in the manner specified in paragraph (a) of this Article ;
- (d) any tube or rib forming part of a frame assembled in the United Kingdom, if that frame bears an indication which is expressed to be an indication of origin of that tube or rib and is applied in the manner specified in the Schedule hereto in relation to frames ;
- (e) any rib forming part of a complete set of imported ribs, if that set bears on one of the ribs thereof an indication of origin applied in the manner specified in the Schedule hereto in relation to ribs.”

(iii) the Schedule to this Order shall be inserted as the Schedule to the principal Order.

2.—(1) The Interpretation Act 1889^(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) No. 10 Order 1933 Amendment Order 1964 and shall come into operation on the date hereof.

W. G. Agnew.

SCHEDULE

Class or description of goods	Manner in which the indication of origin is to be applied
Umbrella frames of iron or steel wire	<p>(a) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material ; or</p> <p>(b) by means of a transfer in a contrasting colour ;</p> <p>which is securely affixed or attached (as the case may be)—</p> <p>(i) to that end of the tube to which the handle will be joined ; or</p> <p>(ii) if one end of the tube is formed into a handle as an integral part thereof, to the part of the tube adjacent to that end.</p>
Umbrella tubes of iron or steel wire	<p>(a) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material ; or</p> <p>(b) by means of a transfer in a contrasting colour ;</p> <p>which is securely affixed or attached (as the case may be) to the tube.</p>
Umbrella ribs of iron or steel wire	<p>By being durably printed or impressed in a contrasting colour on either—</p> <p>(a) the rib ; or</p> <p>(b) a metal label riveted or securely fastened by other means to the rib.</p>

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which comes into operation forthwith, amends the provisions of the Order now regulating the marking on sale and exposure for sale of imported frames, tubes and ribs of iron or steel wire for umbrellas (S.R. & O. 1933/491).

The principal changes are as follows:—

- (i) it is no longer necessary for such imported parts of a complete umbrella to bear a separate indication of origin so long as the umbrella itself is appropriately marked ;
- (ii) a wider range of methods of marking is permitted.

The report referred to in the Order is contained in Command Paper No. 2298.

1964 No. 914

MERCHANDISE MARKS
The Merchandise Marks (Imported Goods) Order 1964
Laid before Parliament in draft

<i>Made - - - -</i>	<i>23rd June 1964</i>
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<i>Coming into Operation</i>	<i>1st February 1965</i>
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At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas an enquiry in relation to the classes and descriptions of goods to which this Order applies has been held by the appropriate Committee appointed under the Merchandise Marks Act 1926(a); and, the report of the Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that an Order should be made extending the provisions of the Merchandise Marks (Imported Goods) No. 10 Order 1933(b), as amended(c), and the Merchandise Marks (Imported Goods) Order 1963(d);

And whereas a draft of this Order has lain before Parliament for a period of 40 days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(e) and neither House of Parliament has resolved that the draft be not submitted to Her Majesty;

Now therefore Her Majesty, by and with the advice of Her Privy Council and in pursuance of the powers conferred by sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

Indication of origin

1.—(1) Subject to paragraph (2) of this Article, it shall not be lawful to sell or expose for sale in the United Kingdom imported goods of any class or description specified in the Schedule hereto unless they bear an indication of origin applied in the manner specified in that Schedule in relation to that class or description.

(2) Paragraph (1) of this Article shall not apply to—

- (a) any frame, shaft, rib or handle forming part of an imported umbrella, if that umbrella itself bears an indication of origin applied in the manner specified in the Schedule hereto in relation to umbrellas;
- (b) any shaft, rib or handle forming part of any imported frame, if that frame itself bears an indication of origin applied in the manner specified in the Schedule hereto in relation to frames;

(a) 16 & 17 Geo. 5. c. 53. (b) S.R. & O. 1933/491 (Rev. XIII, p. 567: 1933, p. 1344).
 (c) S.I. 1964/913 (1964 II, p. 1946). (d) S.I. 1963/882 (1963 II, p. 1433).
 (e) 9 & 10 Geo. 6. c. 36.

- (c) any frame, shaft, rib or handle forming part of an umbrella assembled in the United Kingdom, if that umbrella bears an indication which is expressed to be an indication of origin of that frame, shaft, rib or handle and is applied in the manner specified in the Schedule hereto in relation to umbrellas ;
- (d) any shaft, rib or handle forming part of a frame assembled in the United Kingdom, if that frame bears an indication which is expressed to be an indication of origin of that shaft, rib or handle and is applied in the manner specified in the Schedule hereto in relation to frames ;
- (e) any rib forming part of a complete set of imported ribs, if that set bears on one of the ribs thereof an indication of origin applied in the manner specified in the Schedule hereto in relation to ribs ;
- (f) any handle forming part of any imported walking stick, if that stick itself bears an indication of origin applied by being printed or stamped in a contrasting colour on an adhesive label, or by means of a transfer in a contrasting colour, being a label or transfer affixed to that part of the stick adjacent to the handle.

(3) Goods of any such class or description shall bear the indication of origin on exposure for sale wholesale, whether or not the person so exposing the goods is a wholesale dealer.

(4) Nothing in this Order shall require goods of any such class or description to bear an indication of origin at the time of importation.

Interpretation

2.—(1) In this Order the following expressions shall, save where the context otherwise requires, have the following meanings respectively:—

“ frame ” means a complete assembly of ribs attached to and including a shaft ;

“ handle ” includes a knob ;

“ rib ” includes a stretcher ;

“ shaft ” includes a tube ;

“ umbrella ” includes a sunshade and a golf, garden or child’s umbrella.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

Revocation and citation

3.—(1) The Merchandise Marks (Imported Goods) No. 10 Order 1933, the Merchandise Marks (Imported Goods) Order 1963 and the Merchandise Marks (Imported Goods) No. 10 Order 1933 Amendment Order 1964(b) are hereby revoked.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) Order 1964 and shall come into operation on the 1st February 1965.

W. G. Agnew.

SCHEDULE

Class or description of goods	Manner in which the indication of origin is to be applied
Umbrellas	<p>(a) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material ; or</p> <p>(b) by means of a transfer in a contrasting colour ;</p> <p>which is securely affixed or attached (as the case may be) to the shaft adjacent to the handle :</p> <p>Provided that, if there is no handle, the indication shall be so applied to that end of the shaft adjacent to the unattached extremities of the collapsed ribs.</p>
Umbrella frames	<p>(a) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material ; or</p> <p>(b) by means of a transfer in a contrasting colour ;</p> <p>which is securely affixed or attached (as the case may be)—</p> <p>(i) to that end of the shaft to which the handle will be joined ; or</p> <p>(ii) if one end of the shaft is formed into a handle as an integral part thereof, to the part of the shaft adjacent to that end.</p>
Umbrella shafts	<p>(a) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material ; or</p> <p>(b) by means of a transfer in a contrasting colour ;</p> <p>which is securely affixed or attached (as the case may be) to the shaft.</p>
Umbrella ribs	<p>By being durably printed or impressed in a contrasting colour on either—</p> <p>(a) the rib ; or</p> <p>(b) a metal label riveted or securely fastened by other means to the rib.</p>
Handles for umbrellas or walking sticks.	<p>By being printed or stamped in a contrasting colour on an adhesive label which is affixed to the handle.</p>

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which comes into operation on the 1st February 1965, amends and replaces the Orders prohibiting the sale or exposure for sale of (a) imported frames, tubes and ribs for umbrellas and (b) imported handles for umbrellas and walking sticks, unless they bear an indication of origin applied to them in the manner specified in the Orders (S.R. & O. 1933/491, S.I. 1963/882 and S.I. 1964/913).

The principal changes are as follows:—

- (i) imported umbrellas and imported shafts are now required to be marked ;
- (ii) imported frames, tubes and ribs of whatever material they are made are now required to be marked and not, as hitherto, only those made of iron or steel wire.

The report referred to in the Order is contained in Command Paper No. 2298.

 STATUTORY INSTRUMENTS

1964 No. 915

AFRICA

The Bechuanaland (Electoral Provisions) Order 1964

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course, in place of the existing Legislative Council, there should be established for the Bechuanaland Protectorate a legislative body to be called "the Legislative Assembly" (in this Order referred to as "the proposed Legislative Assembly"):

Now therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Bechuanaland (Electoral Provisions) Order 1964. Citation and commencement.

(2) This Order shall come into operation on 30th June 1964.

2. The provisions of section 1 of the Bechuanaland Protectorate (Constitution) Order in Council 1960(b) as amended by the Bechuanaland Protectorate (Constitution) (Amendment) Order 1963(c) shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting the first mentioned Order. Interpretation.

3.—(1) There shall be a Delimitation Commission (hereinafter referred to as "the Commission") which shall consist of a Chairman and not more than four other members appointed by the Commissioner. Delimitation Commission.

(2) A person shall not be qualified to hold the office of a member of the Commission if he is a member of the Legislative Council.

(3) The office of a member of the Commission shall become vacant—

(a) if he resigns his office by writing under his hand addressed to the Commissioner; or

(b) if he becomes a member of the Legislative Council.

(4) If, after the appointment of the Commission and before a Proclamation of constituencies has been made under subsection (5) of section 4 of this Order, the office of Chairman or any other member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the Commissioner may appoint another person, being a person who is not a member of the Legislative Council, to be a member of the Commission.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1960/2416 (1960 I, p. 327).

(c) S.I. 1963/1628 (1963 III, p. 3027).

Constitu-
encies.

4.—(1) The Commission shall within eight weeks of the commencement of this Order submit to the Commissioner a report showing the boundaries of the constituencies of Bechuanaland created for the purpose of the election of members to the proposed Legislative Assembly.

(2) For the purposes of subsection (1) of this section Bechuanaland shall be divided into thirty-two constituencies:

Provided that if the Commission should consider that Bechuanaland cannot satisfactorily be divided into thirty-two constituencies the Commission may increase or reduce that number, but so that there are not substantially more nor substantially less than thirty-two constituencies.

(3) In the discharge of its duties under this Order the Commission shall ensure that the boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of natural community of interest, means of communication, geographical features, density of population, and the boundaries of Tribal Territories and administrative districts.

(4) In this section "population quota" means the number obtained by dividing the number of inhabitants of Bechuanaland by the number of constituencies into which Bechuanaland is divided under this section.

(5) The Commissioner shall as soon as practicable after the submission of the report of the Commission, by Proclamation published in the Gazette, declare the boundaries of the constituencies as delimited by the Commission.

(6) A Proclamation made under subsection (5) of this section shall come into force at the next dissolution of the Legislative Council after it is made.

Electoral
regulations.

5. The Commissioner may by regulation published in the Gazette make provision, for the purposes of the election of members to the proposed Legislative Assembly, for—

- (a) the qualifications and disqualifications of voters ;
- (b) the registration of voters ; and
- (c) any matter that appears to him to be incidental thereto or consequential thereon.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables Her Majesty's Commissioner for Bechuanaland to make provision under which preparations may be made for the election of members to the new Legislative Assembly that it is proposed in due course to establish for Bechuanaland. The Order also establishes a Delimitation Commission for the purpose of delimiting the boundaries of constituencies for the return of members to the proposed Legislative Assembly.

1964 No. 916

AFRICA

The Malawi Independence Order 1964

<i>Made - - - -</i>	<i>23rd June 1964</i>
<i>Laid before Parliament</i>	<i>29th June 1964</i>
<i>Coming into Operation</i>	<i>Immediately before 6th July 1964.</i>

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a), the Malawi Independence Act 1964(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Malawi Independence Order 1964.

Citation and
commence-
ment.

(2) This Order shall come into operation immediately before 6th July 1964 :

Provided that where the Governor-General has power by or under this Order to make any appointment, or make any order (other than an order under section 4(2) of this Order relating to any Act of the Parliament of the United Kingdom or any Order of Her Majesty in Council) or to do any other thing for the purposes of this Order, that power may be exercised by the Governor and Commander-in-Chief of Nyasaland at any time after 29th June 1964 to such extent as may, in his opinion, be necessary or expedient to enable the Constitution of Malawi established by this Order to function as from 6th July 1964.

(3) Save where the context otherwise requires, expressions used in sections 1 to 18 (inclusive) of this Order have the same meaning as in the Constitution set out in Schedule 2 to this Order and the provisions of section 110 of that Constitution shall apply for the purposes of interpreting those sections as they apply for the purposes of interpreting that Constitution.

2. The Orders specified in column 1 of Schedule 1 to this Order are revoked to the extent specified in column 2 of that Schedule.

Revocations.

3. Subject to the provisions of this Order, the Constitution set out in Schedule 2 to this Order (hereinafter referred to as "the Constitution") shall come into effect in Malawi at the commencement of this Order.

Establish-
ment of
Constitution.

Existing
laws.

4.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the provisions mentioned in Schedule 1 to this Order, continue in force after the commencement of this Order as if they had been made in pursuance of this Order but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Governor-General may by order made at any time before 6th January 1965 make such amendments to any existing law or to any Act of Parliament of the United Kingdom or Order of Her Majesty in Council (other than the Malawi Independence Act 1964 or this Order) having effect as part of the law of Malawi or any part thereof immediately before the commencement of this Order as may appear to him to be necessary or expedient for bringing that law, Act of Parliament or Order into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

(3) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the commencement of this Order, by or under the provisions revoked by section 2 of this Order, that prescription or provision shall, as from the commencement of this Order, have effect as if it had been made under the Constitution by Parliament, or as the case may be, by the other authority or person.

(4) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(5) For the purposes of this section, the expression "the existing laws" means all Ordinances, laws, rules, regulations, resolutions, orders or other instruments having the effect of law made or having effect as if they had been made in pursuance of the provisions revoked by section 2 of this Order and having effect as part of the law of Malawi or any part thereof immediately before the commencement of this Order or any Act of the Parliament of the United Kingdom so having effect by virtue of the provisions revoked by section 2 of this Order.

Existing
offices.

5.—(1) Where any office has been established by or under the provisions revoked by section 2 of this Order and the Constitution establishes a similar or an equivalent office, any person who immediately before the commencement of this Order holds or is acting in the former office shall, so far as is consistent with the provisions of the Constitution, be deemed to have been appointed, elected or designated as from the commencement of this Order to hold or to act in the latter office in accordance with the provisions of the Constitution and to have taken any necessary oath under the Constitution :

Provided that—

(a) any person who under the provisions revoked by section 2 of this Order or under any existing law would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age ;

(b) if any person holds the office of Director of Public Prosecutions immediately before the commencement of this Order who was appointed to that office for a fixed period he shall vacate that office at the expiration of that period instead of upon the attainment of the age prescribed for the purposes of section 98 of the Constitution.

(2) The provisions of this section shall be without prejudice to—

(a) the provisions of section 7 of this Order ; and

(b) any powers conferred by or under this Order upon any person or authority to make provision for the abolition of offices and the removal of persons holding or acting in any office.

(3) In this section “existing law” means such a law as is referred to in section 4(5) of this Order.

6. Until Parliament prescribes the manner in which an application shall be made for the purpose of section 2(1), 2(4), 3(1), 3(2), 3(3), 3(4), 3(5) or section 6 of the Constitution, an application under that provision need not be in any particular form but the application shall be sufficient if it is made to the Minister responsible for matters relating to citizenship of Malawi and if it discloses the name, address and national status of the applicant and grounds upon which the applicant is entitled to registration under that provision. Citizenship.

7.—(1) The National Assembly constituted by the provisions revoked by section 2 of this Order (hereinafter in this section referred to as “the existing National Assembly”) shall be the National Assembly during the period beginning with the commencement of this Order and ending with the first dissolution of Parliament thereafter. Parliament.

(2) The persons who, immediately before the commencement of this Order, are the members of the existing National Assembly shall continue to be the members of the National Assembly and, as from the commencement of this Order, shall be deemed to have been elected to the National Assembly to represent the same constituencies as the constituencies for which they were respectively elected under the provisions revoked by section 2 of this Order, and shall hold their seats in the National Assembly in accordance with section 8 of this Order and section 39 of the Constitution.

(3) The persons who, immediately before the commencement of this Order, are the Speaker and the Deputy Speaker of the existing National Assembly shall continue to be, respectively, the Speaker and the Deputy Speaker of the National Assembly after the commencement of this Order and as from that time shall be deemed to have been elected as such in accordance with the provisions of the Constitution and shall hold office in accordance with those provisions.

(4) The rules and orders of the existing National Assembly as in force immediately before the commencement of this Order shall, until it is otherwise provided under section 52 of the Constitution, be the rules and procedure of the National Assembly but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring those rules into conformity with the Constitution.

(5) Subject to the provisions of section 57(4) of the Constitution, Parliament shall, unless sooner dissolved, stand dissolved on 25th May 1969.

(6) Any person who, under the provisions of this section, continues to be Speaker, Deputy Speaker or a member of the National Assembly

after the commencement of this Order shall be deemed to have taken any necessary oath under the Constitution.

Qualifications and disqualifications for membership of National Assembly.

8.—(1) During the period commencing on 6th July 1964 and ending on 5th July 1965 any person who, being a member of the National Assembly immediately before the commencement of this Order, is not a citizen of Malawi may, notwithstanding the provisions of section 34(1)(a) and 39(2)(a) of the Constitution, hold his seat in the Assembly, but any such person shall, if he is not a citizen of Malawi on 6th July 1965, vacate his seat in the Assembly on that day.

(2) Until Parliament otherwise provides in pursuance of section 35(4) of the Constitution, a person shall be disqualified for membership of the National Assembly if he holds or is acting in any public office or he belongs to any of the armed forces of the Crown and, for the purposes of this subsection, a person shall not be considered as belonging to the armed forces of the Crown by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service in such forces.

Constituencies.

9.—(1) Until other provision is made under section 41 of the Constitution, the boundaries of the general roll constituencies and the boundaries of the special roll constituencies into which Malawi is divided by section 41 of the Constitution shall be the boundaries of the constituencies established under the provisions revoked by section 2 of this Order, as delimited immediately before the commencement of this Order.

(2) For the purposes of section 41 of the Constitution, the date upon which the Electoral Commission shall be deemed to have last reviewed the boundaries of the general roll constituencies and the boundaries of the special roll constituencies into which Malawi is divided for the purposes of that section shall be 1st April 1964.

Emergency Powers Orders in Council 1939 to 1964.

10. The Emergency Powers Orders in Council 1939(a) to 1964(b) shall cease to have effect as part of the law of Malawi on 6th July 1966 or such earlier date as Parliament may prescribe :

Provided that section 6(2)(d) and section 8 of the Emergency Powers Order in Council 1939 shall cease to have effect as part of the law of Malawi as from the commencement of this Order.

Appeals in respect of certain decisions affecting pensions and like benefits.

11.—(1) The following provisions of this section shall have effect for the purpose of enabling any officer to whom this section applies or his personal representatives to appeal against a decision to which this section applies, that is to say, a decision within any of the following classes :—

- (a) a decision of the appropriate Commission to give such concurrence as is required by section 106 of the Constitution in relation to the refusal, withholding, reduction in amount or suspension of any benefits in respect of such an officer's service as a public officer ;
- (b) a decision by any authority to remove such an officer from office if the consequence of the removal is that any benefits cannot be granted in respect of the officer's service as a public officer ;
- (c) a decision by any authority to take some other disciplinary action in relation to such an officer if the consequence of the action is to reduce the amount of any benefits that may be granted in respect of the officer's service as a public officer.

(a) See S.I. 1952 I, at p. 621.

(b) S.I. 1956/731, 1963/88, 1633 (1956 I, p. 512; 1963 I, p. 105; III, p. 3084).

(2) Where any decision such as is referred to in subsection (1) of this section is taken by any authority, the authority shall cause to be delivered to the officer concerned, or his personal representatives, a written notice of that decision stating the time, not being less than twenty-eight days from the date on which the notice is delivered, within which he, or his personal representatives, may apply to the authority for the case to be referred to an Appeals Board.

(3) If application is duly made to an authority within the time stated in such a notice as is mentioned in subsection (2) of this section for a case to be referred to an Appeals Board, the authority shall notify the Prime Minister in writing of that application and thereupon the Prime Minister shall appoint an Appeals Board for that purpose consisting of—

(a) one member selected by the Prime Minister ;

(b) one member selected by an association representative of public officers or a professional body, nominated in either case by the applicant ; and

(c) one member selected by the two other members jointly (or, in default of agreement between those members, by the Judicial Service Commission) who shall be the Chairman of the Board.

(4) Such an Appeals Board shall inquire into the facts of the case that is referred to it, and for that purpose the Board—

(a) shall, if the applicant so requests in writing, hear the applicant either in person or by a legal representative of his choice, according to the terms of the request ;

(b) may hear any other person who, in the opinion of the Board, is able to give the Board information on the case ; and

(c) shall have access to, and shall consider, all documents that were available to the authority concerned and shall also consider any further document relating to the case that may be produced by or on behalf of the applicant or the authority.

(5) When such an Appeals Board has completed its consideration of the case, then—

(a) if the decision that is the subject of the reference to the Board is a decision such as is mentioned in paragraph (a) of subsection (1) of this section, the Board shall advise the appropriate Commission whether the decision should be affirmed, reversed or modified and the Commission shall act in accordance with that advice ;

(b) if the decision that is the subject of the reference to the Board is a decision such as is mentioned in paragraph (b) or (c) of subsection (1) of this section, the Board shall not have power to advise the authority responsible for making the decision to affirm, reverse or modify the decision but the Board may advise the authority responsible for granting the benefits in question—

(i) where the officer has been removed from office, to grant all or part of the benefits for which the officer concerned would have been eligible under any law if he had retired voluntarily at the date of the dismissal ; or

(ii) where some other disciplinary action has been taken in relation to the officer, that on the grant of any benefits under any law in respect of the officer's service such benefits shall

be increased by such amount, or shall be calculated in such manner, as the Board may specify in order to offset all or any part of the reduction in the amount of such benefits that, in the opinion of the Board, would or might otherwise be a consequence of the action,

and that authority shall act in accordance with that advice and the provisions of that law shall have effect accordingly.

(6) In this section—

“the appropriate Commission” has the meaning assigned to it in section 106 of the Constitution ;

“pensions benefits” has the meaning assigned to it in section 105 of the Constitution.

(7) This section applies to any officer who is the holder of a pensionable public office and—

(a) is designated under the Overseas Service Aid Scheme ;

(b) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary ; or

(c) whose conditions of service include an entitlement to free passages from Malawi for the purpose of leave of absence upon the completion of a tour of duty.

Compulsory
retirement to
facilitate
appointment
of local
candidates.

12.—(1) If the Prime Minister so requests, the authorities having power to make appointments in any branch of the public service shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, that branch than there are vacancies in that branch that could appropriately be filled by such local candidates ; and those authorities, if satisfied that such is the case, shall, if so requested by the Prime Minister, select officers in that branch to whom this subsection applies and whose retirement would in the opinion of those authorities cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Prime Minister of the number of officers so selected ; and if the Prime Minister specifies a number of officers to be called upon to retire (not exceeding the number of officers so selected), those authorities shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service ; and any officer who is so required to retire shall retire accordingly.

(2) Any notice given under subsection (1) of this section requiring any officer to retire from the public service shall—

(a) in the case of an officer who, when he receives the notice, is on leave of absence upon the completion of a tour of duty, specify the date upon which he shall so retire which shall be not earlier than the expiration of six months from the date when he receives the notice or, if his leave of absence would otherwise expire later, when it would otherwise expire ; and

(b) in the case of any other officer, specify the period, which shall be not less than six months from the date when he receives the notice, at the expiration of which he shall proceed upon leave of absence pending retirement :

Provided that, with the consent of the officer, the notice may specify an earlier date or, as the case may be, a shorter period.

(3) This section applies to any officer who holds a pensionable public office and—

- (a) is designated under the Overseas Service Aid Scheme ;
- (b) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary ;
- (c) whose conditions of service include an entitlement to free passages from Malawi for the purpose of leave of absence upon the completion of a tour of duty ; or
- (d) is an overseas officer who, after the commencement of this Order, is appointed to any public office (otherwise than on promotion or transfer from another public office) and who is notified at the time of his appointment that this section will apply to him.

(4) In this section "overseas officer" means an officer in the public service who is, either individually or as a member of a class, declared by the appropriate Commission to be an overseas officer, and "the appropriate Commission" means—

- (a) in relation to an officer who can be removed from his office by the Judicial Service Commission, that Commission ;
- (b) in relation to an officer who can be removed from his office by the Police Service Commission, that Commission ; and
- (c) in any other case, the Public Service Commission.

13.—(1) All proceedings that, immediately before the commencement of this Order, are pending before any court established by or under the provisions revoked by section 2 of this Order may be continued and concluded after the commencement of this Order before the corresponding court established by or under the Constitution.

Legal proceedings.

(2) Any decision given before the commencement of this Order by any such court as aforesaid shall, for the purpose of its enforcement or for the purpose of any appeal therefrom, have effect after the commencement of this Order as if it were a decision of the corresponding court established by or under the Constitution.

14.—(1) Subject to the provisions of subsection (2) of this section, no appeal shall lie to Her Majesty in Council (whether as of right or by leave either of Her Majesty in Council or of any court established for Malawi) from any decision given in any civil or criminal matter by any such court.

Appeals to Her Majesty in Council.

(2) Any appeal to Her Majesty in Council from a decision given by the existing Supreme Court of Appeal, being an appeal that is pending immediately before the commencement of this Order and in which the records have been registered in the Office of the Privy Council before the commencement of this Order, shall continue to lie to Her Majesty in Council and may be prosecuted and disposed of in accordance with the law regulating the procedure in appeals to Her Majesty in Council from decisions given by that Court that is in force immediately before the commencement of this Order.

15. Until Parliament otherwise provides—

- (a) the civil and criminal jurisdiction of the High Court and of all subordinate courts shall, subject to the provisions of this Order and of any law in force in Malawi, be exercised in conformity

Exercise of jurisdiction of High Court and other courts.

with the statutes of general application in force in England on the 11th August 1902 and the substance of the English common law and doctrines of equity ;

(b) in cases in which all parties are Africans of Malawi, that is to say, members of a tribe or race of Africa which ordinarily resides in Malawi or persons who ordinarily reside in Malawi as members of such a tribe or race, and in such other cases as may be prescribed by any law in force in Malawi the High Court and any subordinate court shall, in the exercise of their civil and criminal jurisdiction, be guided by customary law so far as it is applicable and is not repugnant to justice or morality or inconsistent with any law in force in Malawi and shall decide such cases according to substantial justice without regard to technicalities of procedure.

Remuneration of certain offices.

16. Until other provision is made in that behalf by Parliament in accordance with the provisions of section 91(1) of the Constitution, and subject to the other provisions of that section, there shall be paid to the holders of the offices to which that section applies the salaries payable to the holders of the corresponding offices immediately before the commencement of this Order.

Public land and minerals.

17.—(1) All public land (as defined in the Nyasaland Protectorate (African Trust Land) Order in Council 1950(a) shall, as from the commencement of this Order, vest in the Governor-General subject to any rights and interests which, before the commencement of this Order, have by or under any law in force in the former Nyasaland Protectorate, or otherwise, been granted to, or recognised as vested in, any other person (not being the Governor of the said Protectorate).

(2) All rights in respect of minerals and mineral oils on or under any land which is not—

(a) public land ; or

(b) African trust land (as defined in the said Order)

shall, as from the commencement of this Order, vest in the Governor-General unless, before the commencement of this Order, they have by or under any law in force in the former Nyasaland Protectorate, or otherwise, been granted to, or recognised as vested in, any other person (not being the Governor of the said Protectorate).

(3) Subject to the provisions of any law in force in Malawi, the Minister responsible for land matters or any public officer for the time being authorised by that Minister, may make and execute grants, leases or other dispositions of public land.

(4) The provisions of subsections (1), (2) and (3) of this section shall have effect until Parliament makes other provision.

Alteration of this Order.

18. Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of the Malawi Independence Act 1964.

W. G. Agnew.

(a) S.I. 1950/1183 (1950 II, p. 156).

SCHEDULE 1 TO THE ORDER
PROVISIONS REVOKED BY THIS ORDER

Section 2

Column 1	Column 2
The Nyasaland (Constitution) Order in Council 1961(a).	Sections 82(2), 82(3), 84 and 86.
The Nyasaland (Constitution) Order in Council 1963(b).	The whole Order.
The Nyasaland (Constitution) (No. 2) Order in Council 1963(c).	The whole Order.
The Nyasaland (Constitution) (Amendment) Order 1964(d).	The whole Order.

SCHEDULE 2 TO THE ORDER

Section 3

THE CONSTITUTION OF MALAWI

ARRANGEMENT OF SECTIONS

CHAPTER I

CITIZENSHIP

Section

1. Persons who become citizens on 6th July 1964.
2. Citizens of former Federation of Rhodesia and Nyasaland.
3. Other persons entitled to be registered as citizens.
4. Persons born in Malawi after 5th July 1964.
5. Persons born outside Malawi after 5th July 1964.
6. Marriage to Malawi citizen.
7. Dual citizenship.
8. Commonwealth citizens.
9. Powers of Parliament.
10. Interpretation.

CHAPTER II

**PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF
THE INDIVIDUAL**

11. Fundamental rights and freedoms of the individual.
12. Protection of right to life.
13. Protection of right to personal liberty.
14. Protection from slavery and forced labour.
15. Protection from inhuman treatment.

(a) S.I. 1961/1189 (1961 II, p. 2218).
(c) S.I. 1963/2092 (1963 III, p. 4608).

(b) S.I. 1963/883 (1963 II, p. 1435).
(d) S.I. 1964/493 (1964 I, p. 824).

Section

16. Protection from deprivation of property.
17. Protection for privacy of home and other property.
18. Provisions to secure protection of law.
19. Protection of freedom of conscience.
20. Protection of freedom of expression.
21. Protection of freedom of assembly and association.
22. Protection of freedom of movement.
23. Protection from discrimination on the grounds of race, etc.
24. Derogation from fundamental rights and freedoms.
25. Enforcement of protective provisions.
26. Declaration of emergency.
27. Interpretation and savings.

CHAPTER III**THE GOVERNOR-GENERAL**

28. Establishment of office of Governor-General.
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CHAPTER I

CITIZENSHIP

1.—(1) Every person who, having been born in the former Nyasaland Protectorate, is on 5th July 1964 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Malawi on 6th July 1964 :

Persons who become citizens on 6th July 1964.

Provided that a person shall not become a citizen of Malawi by virtue of this subsection if neither of his parents was born in the former Nyasaland Protectorate.

(2) Every person who, having been born outside Malawi, is on 5th July 1964 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Malawi in accordance with the provisions of subsection (1) of this section, become a citizen of Malawi on 6th July 1964.

2.—(1) Any person who was on 31st December 1963 a citizen of the former Federation of Rhodesia and Nyasaland and who has a substantial Malawi connection (as defined in subsection (2) of this section) shall be entitled, upon making application before 6th July 1965 in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi.

Citizens of former Federation of Rhodesia and Nyasaland.

(2) For the purposes of subsection (1) of this section a person has a substantial Malawi connection if, and shall not be regarded as having such a connection unless,—

- (a) he was born in the former Nyasaland Protectorate ;
- (b) his father was born in the former Nyasaland Protectorate ;
- (c) he was, immediately before he became a citizen of the former Federation, a citizen of the United Kingdom and Colonies by virtue of his having been registered or naturalised as such in the former Nyasaland Protectorate under the British Nationality Act 1948(a) or his father had at the time of that person's birth been so registered or naturalised there under that Act ;
- (d) he was registered or naturalised as a citizen of the former Federation, having been ordinarily resident in the former Nyasaland Protectorate at the time of such registration or naturalisation or his father had at the time of that person's birth been so registered or naturalised and had been so resident at the time of the registration or naturalisation ;
- (e) he or his father was, as a minor child, registered as a citizen of the former Federation, the responsible parent or the guardian upon whose application he was so registered being ordinarily resident in the former Nyasaland Protectorate at the time of the registration ;
- (f) he is, or his father was (his father also being or having been a citizen of the former Federation), the adopted child of a citizen or of citizens of the former Federation who or all of whom were resident and domiciled in the former Nyasaland Protectorate at the time of the adoption ;

(g) he was, or his father had at the time of that person's birth been, registered, by virtue of, *inter alia*, his possession of associations with the former Nyasaland Protectorate as a citizen of the former Federation under section 16A of the Citizenship of Rhodesia and Nyasaland and British Nationality Act 1957(a) as inserted by the Citizenship of Rhodesia and Nyasaland and British Nationality Amendment Act 1959(b); or

(h) his or his father's name had been included by virtue of section 13(7) of the Electoral Act 1958(c) in the list of general voters registered in the former Nyasaland Protectorate.

(3) In any proceedings to determine whether any person has become a citizen of Malawi by virtue of subsection (2)(g) of this section, a certificate signed by the Minister responsible for matters relating to citizenship of Malawi shall be conclusive evidence of whether the registration of that person or his father as a citizen of the former Federation was by virtue, *inter alia*, of the possession of associations with the former Nyasaland Protectorate.

(4) Any woman who was on 31st December 1963 a citizen of the former Federation of Rhodesia and Nyasaland and who does not become a citizen of Malawi on 6th July 1964 under any other provision of this Chapter shall be entitled, upon making application before 6th July 1965 in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi, if—

(a) she was, immediately before she became a citizen of the former Federation, married to a person who becomes or would, but for his death have become, entitled to be registered as a citizen of Malawi under subsection (1) of this section by virtue of any connection with Malawi that is described in subsection (2) of this section;

(b) she was, immediately before she became a citizen of the Federation, the widow of a person who would, but for his death, have become entitled to be registered as a citizen of Malawi under subsection (1) of this section by virtue of such a connection with Malawi as is described in subsection (2)(a) or (2)(c) of this section; or

(c) she was, immediately before she became a citizen of the Federation, the widow of a person whose father becomes, or would but for his death have become, entitled to be registered as a citizen of Malawi under subsection (1) of this section by virtue of such a connection with Malawi as is described in subsection (2)(a) or (2)(c) of this section.

Other persons entitled to be registered as citizens.

3.—(1) Any person who, but for the proviso to section 1(1) of this Constitution would be a citizen of Malawi by virtue of that subsection, shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by his parent or guardian.

(a) Act No. 12 of 1957 of the Federation of Rhodesia and Nyasaland.

(b) Act No. 13 of 1959 of the Federation of Rhodesia and Nyasaland.

(c) Act No. 6 of 1958 of the Federation of Rhodesia and Nyasaland.

(2) Any woman who, on 5th July 1964, is or has been married to a person—

- (a) who becomes a citizen of Malawi by virtue of section 1 of this Constitution ; or
- (b) who, having died before 6th July 1964 would, but for his death, have become a citizen of Malawi by virtue of that section.

shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi.

(3) Any woman who, on 5th July 1964, is married to a person who subsequently becomes a citizen of Malawi by registration under subsection (1) or (5) of this section shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi.

(4) Any woman who, on 5th July 1964, has been married to a person who becomes, or would, but for his death, have become entitled to be registered as a citizen of Malawi under subsection (1) or (5) of this section, but whose marriage has been terminated by death or dissolution shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi.

(5) Any person who, on 5th July 1964, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue of his having been naturalised or registered in the former Nyasaland Protectorate under the British Nationality Act 1948, shall be entitled, upon making application before the specified date in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi :

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not himself make an application under this subsection but an application may be made on his behalf by his parent or guardian.

(6) In this section “the specified date” means—

- (a) in relation to a person to whom subsection (1) of this section refers, 6th July 1965 ;
- (b) in relation to a woman to whom subsection (3) of this section refers, the expiration of such period after her husband is registered as a citizen of Malawi as may be prescribed by or under an Act of Parliament ;
- (c) in relation to a woman to whom subsection (4) of this section refers, 6th July 1965 ; and
- (d) in relation to a person to whom subsection (5) of this section refers, 6th July 1965,

or such later date as may in any particular case be prescribed by or under an Act of Parliament.

4. Every person born in Malawi after 5th July 1964 shall become a citizen of Malawi at the date of his birth :

Persons born in Malawi after 5th July 1964.

Provided that a person shall not become a citizen of Malawi by virtue of this section if at the time of his birth—

- (a) neither of his parents is a citizen of Malawi and his father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Malawi ; or

(b) his father is a citizen of a country with which Malawi is at war and the birth occurs in a place then under occupation by the enemy.

Persons born outside Malawi after 5th July 1964. 5. A person born outside Malawi after 5th July 1964 shall become a citizen of Malawi at the date of his birth if at that date his father is a citizen of Malawi otherwise than by virtue of this section or section 1(2) of this Constitution.

Marriage to Malawi citizen. 6. Any woman who has been married to a citizen of Malawi shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Malawi.

Dual citizenship. 7.—(1) Any person who, upon the attainment of the age of twenty-one years, is a citizen of Malawi and also a citizen of some country other than Malawi shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Malawi upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who was born outside the former Nyasaland Protectorate or Malawi, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(2) Any person who—

- (a) has attained the age of twenty-one years before 6th July 1964 ; and
- (b) becomes a citizen of Malawi on that day by virtue of the provisions of section 1 of this Constitution ; and
- (c) is immediately after that day also a citizen of some country other than Malawi,

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Malawi upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Malawi by virtue of section 1(2) of this Constitution, made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(3) A citizen of Malawi shall cease to be such a citizen if—

- (a) having attained the age of twenty-one years, he acquires the citizenship of some country other than Malawi by voluntary act (other than marriage) ; or
- (b) having attained the age of twenty-one years, he otherwise acquires the citizenship of some country other than Malawi and has not, by the specified date, renounced his citizenship of that other country, taken the oath of allegiance and made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(4) A person who—

- (a) becomes a citizen of Malawi by registration under the provisions of section 2, 3 or 6 of this Constitution ; and
- (b) is immediately after the day upon which he becomes a citizen of Malawi also a citizen of some other country,

shall, subject to the provisions of subsection (7) of this section, cease to be a citizen of Malawi upon the specified date unless he has

renounced the citizenship of that other country, taken the oath of allegiance, and made and registered such declaration of his intentions concerning residence as may be prescribed by Parliament.

(5) For the purposes of this section, where, under the law of a country other than Malawi a person cannot renounce his citizenship of that other country, he need not make such renunciation but he may instead be required to make such declaration concerning that citizenship as may be prescribed by Parliament.

(6) In this section "the specified date" means—

(a) in relation to a person to whom subsection (1) of this section refers, the date on which he attains the age of twenty-two years or 6th July 1965, whichever is the later;

(b) in relation to a person to whom subsection (2) of this section refers, 6th July 1965;

(c) in relation to a person to whom subsection (3)(b) of this section refers, the expiration of one year after the date on which he acquired the citizenship of the country other than Malawi; and

(d) in relation to a person to whom subsection (4) of this section refers, at the expiration of three months after the date upon which he became a citizen of Malawi,

or, in the case of a person of unsound mind, such later date as may be prescribed by or under an Act of Parliament.

(7) Provision may be made by or under an Act of Parliament for extending beyond the specified date the period in which any person may make a renunciation of citizenship, take an oath or make or register a declaration for the purposes of this section, and if such provision is made that person shall not cease to be a citizen of Malawi upon the specified date but shall cease to be such a citizen upon the expiration of the extended period if he has not then made the renunciation, taken the oath or made or registered the declaration, as the case may be.

8.—(1) Every person who under this Constitution or any Act of Parliament is a citizen of Malawi or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948, or who continues to be a British subject under section 2 of that Act, shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, Nigeria, Cyprus, Sierra Leone, Tanganyika and Zanzibar, Jamaica, Trinidad and Tobago, Uganda, Kenya and Southern Rhodesia.

9.—(1) Parliament may make provision for the acquisition of citizenship of Malawi by persons who are not eligible or who are no longer eligible to become citizens of Malawi under the provisions of this Chapter.

Commonwealth citizens.

Powers of Parliament.

(2) Parliament may make provision for depriving of his citizenship of Malawi any person who is a citizen of Malawi otherwise than by virtue of section 1(1) or section 4 of this Constitution.

(3) Parliament may make provision for the renunciation by any person of his citizenship of Malawi.

Interpretation.

10.—(1) In this Chapter “British protected person” means a person who is a British protected person for the purposes of the British Nationality Act 1948.

(2) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person’s birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father’s death; and where that death occurred before 5th July 1964 and the birth occurred after 6th July 1964 the national status that the father would have had if he had died on 6th July 1964 shall be deemed to be his national status at the time of his death.

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental rights and freedoms of the individual.

11. Whereas every person in Malawi is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association; and
- (c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitation of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Protection of right to life.

12.—(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law of Malawi of which he has been convicted.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the

result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

- (a) for the defence of any person from violence or for the defence of property ;
 - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained ;
 - (c) for the purpose of suppressing a riot, insurrection or mutiny ; or
 - (d) in order to prevent the commission by that person of a criminal offence,
- or if he dies as the result of a lawful act of war.

13.—(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say—

Protection of right to personal liberty.

- (a) in execution of the sentence or order of a court, whether established for Malawi or some other country, in respect of a criminal offence of which he has been convicted ;
- (b) in execution of the order of a court of record punishing him for contempt of that court or of a court inferior to it ;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law ;
- (d) for the purpose of bringing him before a court in execution of the order of a court ;
- (e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law of Malawi ;
- (f) under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of eighteen years ;
- (g) for the purpose of preventing the spread of an infectious or contagious disease ;
- (h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community ;
- (i) for the purpose of preventing the unlawful entry of that person into Malawi, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Malawi or for the purpose of restricting that person while he is being conveyed through Malawi in the course of his extradition or removal as a convicted prisoner from one country to another ; or
- (j) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Malawi or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Malawi in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained—

(a) for the purpose of bringing him before a court in execution of the order of a court; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law of Malawi, and who is not released, shall be brought without undue delay before a court; and if any person arrested or detained as mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

Protection
from slavery
and forced
labour.

14.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression “forced labour” does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period when Malawi is at war or a declaration of emergency under section 26 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Protection
from
inhuman
treatment.

15.—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in the former Nyasaland Protectorate on 5th July 1964.

16.—(1) No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

Protection from deprivation of property.

(a) the taking of possession or acquisition is necessary or expedient—

(i) in the interests of defence, public safety, public order, public morality, public health, town and country planning or land settlement; or

(ii) in order to secure the development or utilisation of that, or other, property for a purpose beneficial to the community; and

(b) provision is made by a law applicable to that taking of possession or acquisition—

(i) for the prompt payment of adequate compensation; and

(ii) securing to any person having an interest in or right over the property a right of access to a court or other authority for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Malawi.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (2) of this section to the extent that the law in question authorizes—

(a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgment of a court or pending the determination of civil proceedings to which he is a party; or

(b) the imposition of reasonable restrictions on the manner in which any amount of compensation is to be remitted.

(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section—

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property—

(i) in satisfaction of any tax, rate or due;

(ii) by way of penalty for breach of the law, whether under civil process or after conviction of a criminal offence under the law of Malawi;

(iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;

(iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations;

- (v) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or injurious to the health of human beings, animals or plants;
- (vi) in consequence of any law with respect to the limitation of actions; or
- (vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land for the purposes of the carrying out thereon of work of soil conservation or the conservation of other natural resources or work relating to agricultural development or improvement (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out),

except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of—

- (i) enemy property;
- (ii) property of a deceased person, a person of unsound mind or a person who has not attained the age of eighteen years, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein;
- (iii) property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or
- (iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust.

(5) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no moneys have been invested other than moneys provided by Parliament.

Protection
for privacy
of home and
other
property.

17.—(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources, or in order to secure the development or utilisation of any property for a purpose beneficial to the community;

- (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons ;
- (c) that authorizes an officer or agent of the Government of Malawi, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, authority or body corporate, as the case may be ;
- (d) that authorizes, for the purpose of enforcing the judgment or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order,

and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

18.—(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

Provisions
to secure
protection
of law.

- (2) Every person who is charged with a criminal offence—
 - (a) shall be presumed to be innocent until he is proved or has pleaded guilty ;
 - (b) shall be informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence charged ;
 - (c) shall be given adequate time and facilities for the preparation of his defence ;
 - (d) shall be permitted to defend himself before the court in person or by a legal representative of his own choice ;
 - (e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution ; and
 - (f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorized by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law:

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefor is not so prescribed.

(9) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(10) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(11) Nothing in the last foregoing subsection shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

(a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings; or

(b) may be empowered by law to do so in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings.

(12) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

(a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) subsection (2)(d) or 2(e) of this section to the extent that the law in question prohibits legal representation in a local court ;

(c) subsection (2)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds ;

(d) subsection (5) of this section to the extent that the law in question authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(13) In the case of any person who is held in lawful detention, the provisions of subsection (1), subsection 2(d) and (e) and subsection (3) of this section shall not apply in relation to his trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(14) Nothing contained in subsection (2)(d) of this section shall be construed as entitling a person to legal representation at public expense.

(15) In this section "criminal offence" means a criminal offence under the law of Malawi.

19.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Protection
of freedom
of conscience.

(2) Except with his own consent (or, if he is a minor, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion that is not his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(a) in the interests of defence, public safety, public order, public morality or public health ; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion

without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection
of freedom of
expression.

20.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health ; or

(b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or regulating the technical administration or technical operation of telephony, telegraphy, posts, wireless broadcasting or television ; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection
of freedom of
assembly and
association.

21.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health ; or

(b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons ; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection
of freedom of
movement.

22.—(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Malawi, the right to reside in any

part of Malawi, the right to enter Malawi and immunity from expulsion from Malawi.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions on the movement or residence within Malawi of any person that are reasonably required in the interests of defence, public safety, public order, public morality, or public health or the imposition of restrictions on the acquisition or use by any person of land or other property in Malawi, except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society;

(b) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Malawi;

(c) for the imposition of restrictions upon the movement or residence within Malawi of public officers; or

(d) for the removal of a person from Malawi to be tried outside Malawi for a criminal offence or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law of Malawi of which he has been convicted.

(4) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than six months after the order was made or six months after he last made such request, as the case may be, his case shall be reviewed by an independent and impartial tribunal presided over by a person, qualified to be enrolled as an advocate in Malawi, appointed by the Chief Justice:

Provided that a person whose freedom of movement has been restricted by virtue of a restriction which is applicable to persons generally or to general classes of persons shall not make a request under this subsection unless he has first obtained the consent of the High Court.

(5) On any review by a tribunal in pursuance of this section of the case of a person whose freedom of movement has been restricted, the tribunal may make recommendations, concerning the necessity or expediency of continuing the restriction, to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

23.—(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

Protection from discrimination on the grounds of race, etc.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the appropriation of public revenues or other public funds ;
- (b) with respect to persons who are not citizens of Malawi ;
- (c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law ;
- (d) for the application in the case of members of a particular race or tribe of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons ; or
- (e) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes reasonable provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 17, 19, 20, 21 and 22 of this Constitution, being such a restriction as is authorized by section 17(2), 19(5), 20(2), 21(2) or 22(3), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

Derogation
from
fundamental
rights and
freedoms.

24.—(1) Nothing contained in or done under the authority of an Act of Parliament shall be held to be inconsistent with or in contravention of section 13 or 23 of this Constitution to the extent that the Act authorizes the taking, during any period when Malawi is at war or any period when a declaration of a state of public emergency

under section 26 of this Constitution is in force, of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period.

(2) Where a person is detained by virtue of such an authorization as is referred to in subsection (1) of this section and as is inconsistent with section 13 of this Constitution the following provisions shall apply—

- (a) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained ;
- (b) not more than fourteen days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorized ;
- (c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice ;
- (d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person ;
- (e) at the hearing of his case by the tribunal appointed for the review of his case he shall be permitted to appear in person or by a legal representative of his own choice.

(3) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations, concerning the necessity or expediency of continuing his detention, to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(4) Nothing contained in subsection (2)(d) or (2)(e) of this section shall be construed as entitling a person to legal representation at public expense.

25.—(1) Subject to the provisions of subsection (7) of this section, if any person alleges that any of the provisions of sections 11 to 24 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.

Enforcement
of protective
provisions.

(2) The High Court shall have original jurisdiction—

- (a) to hear and determine any application made by any person in pursuance of subsection (1) of this section ;
- (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing

the enforcement of any of the provisions of sections 11 to 24 (inclusive) of this Constitution:

Provided that the High Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any subordinate court any question arises as to the contravention of any of the provisions of sections 11 to 24 (inclusive) of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his opinion, the raising of the question is merely frivolous or vexatious.

(4) Where any question is referred to the High Court in pursuance of subsection (3) of this section, the High Court shall give its decision upon the question and the subordinate court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal under this Constitution to the Supreme Court of Appeal or to the Judicial Committee, in accordance with the decision of the Supreme Court of Appeal or, as the case may be, of the Judicial Committee.

(5) Where any provision of any law is held by a competent court to be inconsistent with any of the provisions of sections 11 to 24 (inclusive) of this Constitution any person detained in custody under that provision may, as of right, make application to a competent superior court for the purpose of questioning the validity of his further detention, notwithstanding that he may previously have appealed against his conviction or sentence or that any time prescribed for the filing of such an appeal may have expired.

(6) Parliament may confer upon the High Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(7) Rules of court making provision with respect to the practice and procedure of the High Court for the purpose of this section may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

Declaration
of
emergency.

26.—(1) The Governor-General may at any time, by Proclamation published in the Gazette, declare that a state of public emergency exists for the purpose of the provisions of this Chapter.

(2) A declaration of a state of public emergency under this section, if not sooner revoked, shall cease to have effect—

(a) in the case of a declaration made when Parliament is sitting or has been summoned to meet within five days, at the expiration of a period of five days beginning with the date of publication of the declaration ;

(b) in any other case, at the expiration of a period of twenty-one days beginning with the date of publication of the declaration, unless, before the expiration of that period, it is approved by a resolution passed by the National Assembly.

(3) Subject to the provisions of subsection (4) of this section, a declaration of a state of public emergency approved by resolution of

the National Assembly under subsection (2) of this section shall continue in force until the expiration of a period of six months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution:

Provided that the National Assembly may, by resolution, extend its approval of the declaration for periods of not more than six months at a time.

(4) The National Assembly may by resolution at any time revoke a declaration of a state of public emergency approved by the Assembly under this section.

27.—(1) In this Chapter, unless the context otherwise requires—

Interpretation and savings.

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law having jurisdiction in Malawi, other than a court established by a disciplinary law, and includes the Judicial Committee and in sections 12 and 14 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force” means—

- (a) a naval, military or air force;
- (b) the Malawi Police Force;
- (c) a police force established by Parliament; or
- (d) a prison service;

“legal representative” means a person entitled to practise in Malawi as an advocate;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In relation to any person who is a member of a disciplined force raised under a law in force in Malawi, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 12, 14 and 15.

(3) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Malawi, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER III

THE GOVERNOR-GENERAL

28. There shall be a Governor-General and Commander-in-Chief who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Malawi.

Establishment of office of Governor-General.

Discharge of
Governor-
General's
functions
during
vacancy, etc.

29. Whenever the office of Governor-General is vacant or the holder of the office is absent from Malawi or is for any reason unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by such person as Her Majesty may appoint or, if there is no person in Malawi so appointed and able to perform those functions, by the Chief Justice.

Oaths to be
taken by
Governor-
General.

30. A person appointed to or assuming the functions of the office of Governor-General shall, before entering upon that office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

CHAPTER IV

PARLIAMENT

PART I

Composition of Parliament

Establish-
ment of
Parliament.
National
Assembly.

31. There shall be a Parliament which shall consist of Her Majesty and a National Assembly.

32. The National Assembly shall consist of fifty-three members elected in accordance with the provisions of section 33 of this Constitution.

Election of
members of
National
Assembly.

33.—(1) Malawi shall, in accordance with the provisions of section 41 of this Constitution, be divided into general roll constituencies and into special roll constituencies, and each constituency shall elect one member to the National Assembly in such manner as, subject to the provisions of this Constitution, may be prescribed by or under any law.

(2) The qualifications and disqualifications for registration as a voter in a general roll constituency and as a voter in a special roll constituency shall be as set out in the Schedule to this Constitution.

(3) Every person who is registered in any constituency as a voter in elections of members to the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on the grounds of his having been convicted of an offence connected with elections or on the grounds of his having been reported guilty of such an offence by the court trying an election petition or on the grounds of his being in lawful custody at the date of the election, be entitled so to vote in that constituency in accordance with the provisions of any law in that behalf; and no other person may so vote.

(4) The registration of voters in elections of members of the National Assembly and the conduct of such elections shall be subject to the direction and supervision of the Electoral Commission.

Qualifica-
tions for
election to
National
Assembly.

34.—(1) Subject to the provisions of subsection (2) of this section and of section 35 of this Constitution, a person shall be qualified to be elected as a member of the National Assembly if, and shall not be so qualified unless, he—

(a) is a citizen of Malawi who has attained the age of twenty-one years; and

(b) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language well enough to take an active part in the proceedings of the Assembly.

(2) A person shall not be qualified to be elected in a general roll constituency unless he is an African or an Asian and is registered as a voter in some general roll constituency, and a person shall not be qualified to be elected in a special roll constituency unless he is registered as a voter in some special roll constituency.

35.—(1) No person shall be qualified to be elected as a member of the National Assembly who—

Disqualifications for election to National Assembly.

(a) is under a declaration of allegiance to some country other than Malawi ;

(b) is, under any law in force in Malawi, adjudged or otherwise declared to be of unsound mind ;

(c) is under sentence of death imposed on him by any court in Malawi or the former Nyasaland Protectorate or a sentence of imprisonment (by whatever name called) imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court ;

(d) is detained under a detention order or is subject to a control order or a restriction order ; or

(e) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Malawi.

(2) Parliament may provide that a person who holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election to the National Assembly or the compilation of any register of voters for the purposes of such an election shall not be qualified to be elected as a member of the Assembly.

(3) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with elections of the members of the National Assembly or who is reported guilty of such an offence by the court trying an election petition shall not be qualified to be nominated for election as a member of the Assembly for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed.

(4) Parliament may provide that, subject to such exceptions and limitations (if any) as may be prescribed, a person shall be disqualified for membership of the National Assembly by virtue of—

(a) his holding or acting in any office or appointment that may be prescribed ;

(b) his belonging to any of the armed forces of the Crown that may be prescribed ; or

(c) his belonging to any police force.

36.—(1) There shall be a Speaker of the National Assembly who shall be elected by the members of the Assembly from among persons who are members of the Assembly or who are qualified to be elected as such. Speaker.

(2) A Minister or a Parliamentary Secretary shall not be qualified to be elected as Speaker.

(3) The Speaker shall vacate his office—

- (a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the Assembly otherwise than by reason of a dissolution of the Assembly ;
- (b) if any circumstances arise that, if he were not Speaker, would disqualify him for election as such ;
- (c) when the Assembly first sits after any dissolution of Parliament ;
or
- (d) if he is removed from office by a resolution of the Assembly supported by the votes of not less than two-thirds of all the members thereof.

(4) No business shall be transacted in the National Assembly (other than an election to the office of Speaker) at any time when the office of Speaker is vacant.

Deputy
Speaker.

37.—(1) There shall be a Deputy Speaker of the National Assembly who shall be elected from among the persons who are members of the Assembly other than Ministers or Parliamentary Secretaries.

(2) The members of the National Assembly shall elect a person to the office of Deputy Speaker when the Assembly first sits after any dissolution of Parliament and, if the office becomes vacant otherwise than by reason of the dissolution of Parliament, at the first sitting of the Assembly after the office becomes vacant.

(3) The Deputy Speaker shall vacate his office—

- (a) if he ceases to be a member of the National Assembly ;
- (b) if he becomes a Minister or a Parliamentary Secretary ;
- (c) if he is elected as Speaker ; or
- (d) if he is removed from office by a resolution of the Assembly supported by the votes of not less than two-thirds of all the members of the Assembly.

Right of
attendance
of Ministers.

38. A Minister who is not a member of the National Assembly may attend and take part in the proceedings of the Assembly or of any committee of the Assembly, but nothing in this section shall entitle a person who is not a member of the Assembly to vote in the Assembly or any of its committees.

Tenure of
office of
members of
National
Assembly.

39.—(1) Every member of the National Assembly shall vacate his seat in the Assembly upon a dissolution of Parliament.

(2) A member of the National Assembly shall vacate his seat in the Assembly—

- (a) if he ceases to be a citizen of Malawi ;
- (b) if he is absent from the sittings of the Assembly for such period and in such circumstances as may be prescribed in the rules of procedure of the Assembly ;
- (c) if he is sentenced by a court in Malawi to death or to imprisonment (by whatever name called) for a term exceeding twelve months ; or
- (d) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a member of the Assembly, would cause him to be disqualified for election as such under section 35(1)(a)(b)(d) or (e) of this Constitution or

under any law made in pursuance of section 35(2), 35(3) or 35(4) of this Constitution.

(3) Parliament may, in order to permit any member of the National Assembly who has been sentenced to death or imprisonment, adjudged or declared to be of unsound mind, adjudged or declared bankrupt or convicted or reported guilty of any offence prescribed under section 35(3) of this Constitution to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purposes of this section until such time as may be so prescribed.

(4) For the purposes of this section two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, and if any one of such sentences exceeds that term they shall be regarded as one sentence.

40.—(1) There shall be an Electoral Commission which shall consist of a Chairman and not less than two or more than four other members. Electoral
Commission.

(2) The members of the Electoral Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) A person shall not be qualified to hold the office of a member of the Electoral Commission if he is a Minister, a member of the National Assembly or a public officer.

(4) Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office—

(a) at the expiration of four years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Electoral Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) In the exercise of its functions under this Constitution the Electoral Commission shall not be subject to the direction or control of any other person or authority.

41.—(1) For the purposes of elections to the National Assembly Malawi shall— Constitu-
encies.

(a) be divided into fifty general roll constituencies;

(b) be divided into three special roll constituencies,

in such manner as the Electoral Commission, acting with the approval of the National Assembly signified by resolution, may prescribe.

(2) So far as appears to the Electoral Commission practicable and subject to subsection (3) of this section—

(a) every general roll constituency shall contain the number of voters registered on the general roll that is equal to the electoral quota in respect of the general roll;

(b) every special roll constituency shall contain the number of voters registered on the special roll that is equal to the electoral quota in respect of the special roll.

(3) The Electoral Commission may depart from the principles specified in subsection (2) of this section to such extent as it considers expedient in order to take account of—

- (a) the density of population ;
- (b) the means of communication ;
- (c) geographical features ; and
- (d) the boundaries of existing administrative areas.

(4) The Electoral Commission shall review the boundaries of the general roll constituencies and the boundaries of the special roll constituencies at intervals of not less than eight nor more than ten years, and may alter the boundaries of the general roll constituencies and the boundaries of the special roll constituencies in accordance with the provisions of this section.

(5) Any alteration of the constituencies under this section shall come into effect upon the next dissolution of Parliament after the alteration has been approved by the National Assembly.

(6) For the purposes of this section the electoral quota in respect of a roll of voters shall be the number ascertained by dividing the number of voters for the time being registered throughout Malawi on that roll by fifty in the case of the general roll or three in the case of the special roll.

Determina-
tion of
questions as
to member-
ship of
National
Assembly.

42.—(1) The High Court shall have jurisdiction to hear and determine any question whether—

- (a) any person has been validly elected as a member of the National Assembly or the seat of any such member has become vacant ;
- (b) any person has been validly elected as Speaker of the Assembly from among persons who are not members of the Assembly or, having been so elected, has vacated the office of Speaker.

(2) Parliament may make provision with respect to—

- (a) the persons who may apply to the High Court for the determination of any question under this section ;
- (b) the circumstances and manner in which and the conditions upon which any such application may be made ; and
- (c) the powers, practice and procedure of the High Court in relation to any such application.

(3) The determination by the High Court of any question under this section shall not be subject to appeal.

43.—(1) There shall be a Clerk to the National Assembly.

Clerk to
National
Assembly
and his staff,

(2) Unless Parliament otherwise provides, the office of the Clerk to the National Assembly and the offices of the members of his staff shall be public offices.

44. In this part of this Chapter—

Interpretation.

- (a) references to a sentence of imprisonment shall be construed as including a sentence of imprisonment the execution of which is suspended but not as including a sentence of imprisonment imposed in default of payment of a fine ;
- (b) references to a detention order, a control order or a restriction order are references to a detention order, control order or restriction order made under the Preservation of Public Security Ordinance 1960(a) or any law amending or replacing that Ordinance.

PART 2*Legislation and procedure in National Assembly*

45. Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Malawi. Power to make laws.

46.—(1) Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Malawi) any of the provisions of the Malawi Independence Act 1964: Alteration of Constitution.

Provided that a bill for an Act of Parliament under this section shall not be passed by the National Assembly unless it is supported on the second and third readings by the votes of not less than two-thirds of all the members of the Assembly.

(2) The provisions of this Constitution or (in so far as it forms part of the law of Malawi) the Malawi Independence Act 1964 shall not be altered except in accordance with the provisions of this section.

(3) In this section—

- (a) references to any of the provisions of this Constitution or the Malawi Independence Act 1964 include references to any law that amends or replaces that provision ; and
- (b) references to the alteration of any of the provisions of this Constitution or the Malawi Independence Act 1964 include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of different provision in lieu of that provision.

47. The Speaker, before assuming the duties of his office, and every member of the National Assembly before taking his seat therein, shall take and subscribe before the Assembly the oath of allegiance. Oath to be taken by Speaker and members.

48. There shall preside at any sitting of the National Assembly— Presiding in National Assembly.

(a) the Speaker ;

(b) in the absence of the Speaker, the Deputy Speaker ; or

(c) in the absence of the Speaker and the Deputy Speaker, such member of the Assembly (not being a Minister or a Parliamentary Secretary) as the Assembly may elect for that sitting.

49. If objection is taken by any member of the National Assembly present that there are present in the Assembly (besides the person presiding) less than one fourth of all the members of the Assembly and, after such interval as may be prescribed in the rules of procedure Quorum in National Assembly.

of the Assembly, the person presiding ascertains that the number of members present is still less than one fourth of all the members of the Assembly, he shall thereupon adjourn the Assembly.

Voting in
National
Assembly.

50.—(1) Save as otherwise provided in this Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the members present and voting.

(2) The Speaker shall not have an original vote, but if upon any question before the National Assembly the votes are equally divided, he shall have and exercise a casting vote.

(3) Any member of the National Assembly, other than the Speaker, shall, when presiding in the Assembly, retain his original vote as a member and shall also have and exercise a casting vote where the votes are equally divided.

(4) The rules of procedure of the National Assembly may make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted.

Unqualified
person
sitting or
voting.

51. Any person who sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty-five pounds or such other sum as may be prescribed by Parliament for each day on which he so sits or votes in the Assembly, which shall be recoverable by action in the High Court at the suit of the Attorney-General.

Regulation
of procedure
in National
Assembly.

52.—(1) Subject to the provisions of this Constitution, the National Assembly may regulate its own procedure.

(2) The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after any dissolution) and the presence or participation of any person not entitled to be present or to participate in the proceedings of the Assembly shall not invalidate those proceedings.

Official
language.

53. The business of the National Assembly shall be conducted in English.

Mode of
exercise of
legislative
power.

54.—(1) The power of Parliament to make laws shall be exercised by bills passed by the National Assembly and assented to by the Governor-General on behalf of Her Majesty.

(2) When a bill is presented to the Governor-General for assent, he shall signify that he assents or that he withholds assent.

(3) When a bill that has been duly passed is assented to in accordance with the provisions of this Constitution it shall become law and the Governor-General shall thereupon cause it to be published in the Gazette as a law.

(4) No law made by Parliament shall come into operation until it has been published in the Gazette but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

55. Except upon the recommendation of the Governor-General signified by a Minister, the National Assembly shall not—

Restrictions with regard to certain financial measures.

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction ;

(ii) for the imposition of any charge upon the public revenues or public funds of Malawi or the alteration of any such charge otherwise than by reduction ;

(iii) for the payment, issue or withdrawal from the public revenues or public funds of Malawi of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal ; or

(iv) for the composition or remission of any debt due to the Government of Malawi ;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes ; or

(c) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.

PART 3

Summoning, Prorogation and Dissolution

56.—(1) Each session of Parliament shall be held at such place within Malawi and shall commence at such time as the Governor-General may appoint.

Sessions of Parliament.

(2) There shall be a session of Parliament at least once in every year so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

(3) Whenever Parliament is dissolved a general election of members of the National Assembly shall be held within sixty days of the date of the dissolution and a session of Parliament shall be appointed to commence within thirty days of the date of that election.

(4) If, after a dissolution and before the holding of the general election of members of the National Assembly, the Prime Minister advises the Governor-General that, owing to the existence of a state of war or of a state of emergency in Malawi, it is necessary to recall Parliament, the Governor-General shall summon the Parliament that has been dissolved to meet, but, unless the life of Parliament is extended under the provisions of section 57(4) of this Constitution, the general election of members of the National Assembly shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the date appointed for the nomination of candidates in that general election.

57.—(1) The Governor-General may at any time prorogue Parliament.

Prorogation and dissolution of Parliament.

(2) The Governor-General, acting in accordance with the advice of the Prime Minister, may at any time dissolve Parliament :

Provided that—

- (a) if the Prime Minister recommends a dissolution and the Governor-General considers that the government of Malawi can be carried on without a dissolution and that a dissolution would not be in the interests of Malawi, the Governor-General may refuse to dissolve Parliament ;
- (b) if the National Assembly passes a resolution that it has no confidence in the Government of Malawi and the Prime Minister does not within three days either resign from his office or advise a dissolution, the Governor-General may dissolve Parliament ; and
- (c) if the office of Prime Minister is vacant and the Governor-General considers that there is no prospect of his being able within a reasonable time to appoint to that office a person who can command the support of a majority of the members of the National Assembly, the Governor-General may dissolve Parliament.

(3) Subject to the provisions of subsection (4) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(4) At any time when Malawi is at war, Parliament may from time to time extend the period of five years specified in subsection (3) of this section for not more than twelve months at a time :

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

CHAPTER V

EXECUTIVE POWERS

Executive
authority
of Malawi.

58.—(1) The executive authority of Malawi shall vest in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Malawi may be exercised on behalf of Her Majesty by the Governor-General, either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the Governor-General.

Ministers of
Government
of Malawi.

59.—(1) There shall be a Prime Minister who shall be appointed by the Governor-General.

(2) The office of Attorney-General shall be the office of a Minister.

(3) There shall be, in addition to the office of Prime Minister and the office of Attorney-General, such other offices of Minister as may be established by Parliament or, subject to the provisions of any Act of Parliament, by the Governor-General, acting in accordance with the advice of the Prime Minister.

(4) The Governor-General shall appoint as Prime Minister the member of the National Assembly who appears to him best able to command the support of the majority of the members of the Assembly

and shall, acting in accordance with the advice of the Prime Minister, appoint the other Ministers from among the members of the Assembly or, subject to the provisions of subsection (5) of this section, from among persons who are not members of the Assembly.

(5) A person who is not a member of the National Assembly shall not be appointed to the office of a Minister at any time when three other offices of Minister are held by persons who are not members of the Assembly.

(6) For the purposes of this section, during any period when Parliament is dissolved a person who was a member of the National Assembly immediately before that dissolution shall be regarded as continuing as a member of the Assembly.

60.—(1) The Governor-General may remove the Prime Minister from office— Tenure of
office of
Ministers.

(a) if a vote of no confidence in the Government of Malawi is passed by the National Assembly ; or

(b) if at any time between the holding of a general election and the first sitting of the Assembly thereafter the Governor-General considers that, in consequence of changes in the membership of the Assembly resulting from that election, the Prime Minister will not be able to command the support of a majority of the members of the Assembly :

Provided that the Governor-General shall not remove the Prime Minister from office when a vote of no confidence has been passed by the Assembly unless three days have elapsed and the Governor-General has decided not to dissolve Parliament under section 57 of this Constitution.

(2) The office of the Prime Minister or other Minister who is a member of the National Assembly shall become vacant—

(a) if the holder of the office ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament ; or

(b) if, at the first sitting of the Assembly after any dissolution of Parliament, the holder of the office is not a member of the Assembly.

(3) The office of a Minister (other than the Prime Minister) shall become vacant—

(a) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs ;

(b) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government of Malawi or is removed from office under subsection (1) of this section ; or

(c) upon the appointment of any person to the office of Prime Minister.

61.—(1) There shall be a Cabinet of Ministers, consisting of the Prime Minister and the other Ministers. Cabinet.

(2) The function of the Cabinet shall be to advise the Governor-General in the Government of Malawi and the Cabinet shall be collectively responsible to Parliament for any advice given to the

Governor-General by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) the appointment and removal from office of Ministers and Parliamentary Secretaries, the assigning of responsibility to any Minister under section 62 of this Constitution or the authorization of another Minister to perform the functions of the Prime Minister during absence or illness ;
- (b) the dissolution of Parliament ; and
- (c) the matters referred to in section 72 of this Constitution (which relates to the prerogative of mercy).

Responsibility of Ministers.

62.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the government of Malawi, including the administration of any department of government.

(2) The Attorney-General shall be the principal legal adviser to the Government of Malawi.

Performance of functions of Prime Minister during absence or illness.

63.—(1) Whenever the Prime Minister is absent from Malawi or is by reason of illness unable to perform the functions conferred on him by this Constitution, the Governor-General may authorize some other Minister to perform those functions (other than the functions conferred by this section) and that Minister may perform those functions until his authority is revoked by the Governor-General.

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister :

Provided that if the Governor-General considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers without that advice.

Exercise of Governor-General's functions.

64.—(1) In the exercise of his functions the Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution or any other law to act in accordance with the advice of any person or authority other than the Cabinet :

Provided that the Governor-General shall act in accordance with his own deliberate judgment in the performance of the following functions—

- (a) in the exercise of the powers relating to the dissolution of Parliament conferred upon him by the proviso to section 57(2) of this Constitution ;
- (b) in the exercise of the power to appoint the Prime Minister conferred upon him by section 59(4) of this Constitution ;
- (c) in the exercise of the power to remove the Prime Minister from office conferred upon him by section 60(1) of this Constitution ;
- (d) in the exercise of the powers conferred on him by section 63 of this Constitution (which relates to the performance of the functions of the Prime Minister during absence or illness) in the circumstances described in the proviso to subsection (2) of that section ; and

(e) in signifying his concurrence, for the purposes of section 95(4) of this Constitution, in appointments to offices on his personal staff.

(2) Where the Governor-General is required by this Constitution to act in accordance with the advice of any person or authority, the question whether he has received, or acted in accordance with, such advice in any case shall not be enquired into in any court.

65. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Malawi and shall furnish him with such information as he may require with respect to any particular matter relating to the government of Malawi.

Governor-General to be informed concerning matters of government.

66.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the members of the National Assembly to assist Ministers in the performance of their duties:

Parliamentary Secretaries.

Provided that, if occasion arises for making appointments while Parliament is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed as a Parliamentary Secretary.

(2) The office of a Parliamentary Secretary shall become vacant—

- (a) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
- (b) if the Prime Minister resigns from office within three days after the passage by the National Assembly of a resolution of no confidence in the Government of Malawi or is removed from office under section 60(1) of this Constitution;
- (c) upon the appointment of a person to the office of Prime Minister;
- (d) if the holder of the office ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament; or
- (e) if, at the first sitting of the Assembly after any dissolution of Parliament, the holder of the office is not a member of the Assembly.

67. A Minister or a Parliamentary Secretary shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Oaths to be taken by Ministers, etc.

68. Where any Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary, whose office shall be a public office:

Permanent Secretaries.

Provided that two or more government departments may be placed under the supervision of one Permanent Secretary and one government department may be placed under the supervision of two or more Permanent Secretaries.

69.—(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

Secretary to Cabinet.

(2) The Secretary to the Cabinet shall have charge of the Cabinet office and shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the

business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may direct.

Director of
Public
Prosecutions.

70.—(1) There shall be a Director of Public Prosecutions, whose office shall be a public office.

(2) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person ;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him in person or by officers subordinate to him acting in accordance with his general or special instructions.

(4) The powers conferred on the Director of Public Prosecutions by subsections (2)(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court in Malawi or to the Judicial Committee shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by subsection (2)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) In the exercise of the powers conferred on him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority:

Provided that where the exercise of any such power in any case may, in the judgment of the Director, involve general considerations of public policy the Director shall, before deciding whether to exercise that power, bring the case to the notice of the Attorney-General and shall have regard to any views expressed by the Attorney-General relating to those considerations.

Constitution
of offices.

71. Subject to the provisions of this Constitution and of any Act of Parliament, the Governor-General may constitute offices for Malawi, make appointments to any such office and terminate any such appointment.

72.—(1) The Governor-General may—

Prerogative
of mercy.

- (a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence ;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence ; or
- (d) remit the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

(2) Subject to the provisions of subsection (3) of this section, the powers of the Governor-General under subsection (1) of this section shall be exercised by him acting in accordance with the advice of such Minister as may be designated in that behalf by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) In relation to persons convicted by courts-martial, the Governor-General, acting in accordance with the advice of the Prime Minister, may designate a Minister other than the Minister designated under subsection (2) of this section, and at any time when there is another Minister so designated the powers of the Governor-General under subsection (1) of this section shall, in relation to such persons, be exercised in accordance with the advice of that other Minister.

73. There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of the Minister for the time being designated under section 72(2) of this Constitution, who shall be Chairman, and such other Ministers as may be designated by the Governor-General, acting in accordance with the advice of the Prime Minister.

Advisory
Committee.

74.—(1) Where any person has been sentenced to death (otherwise than by a court-martial) for any offence, the Minister for the time being designated under section 72(2) of this Constitution shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he may require, to be considered at a meeting of the Advisory Committee ; and after obtaining the advice of the Committee he shall decide in his own deliberate judgment whether to advise the Governor-General to exercise any of his powers under section 72(1) of this Constitution.

Functions of
Advisory
Committee.

(2) The Minister for the time being designated under section 72(2) of this Constitution may consult with the Advisory Committee before tendering any advice to the Governor-General under that subsection but the Minister shall not be obliged to act in accordance with the advice of the Committee.

(3) The Advisory Committee may regulate its own procedure.

CHAPTER VI

THE JUDICATURE

PART 1

The High Court

75.—(1) There shall be a High Court for Malawi which shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

High Court.

(2) The judges of the High Court shall be—

(a) the Chief Justice ;

(b) such number of other judges, not being less than two (hereinafter referred to as “the puisne judges”), as may be prescribed by Parliament.

(3) The office of a puisne judge shall not be abolished while there is a substantive holder thereof.

(4) The High Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

Appointment
of judges of
High Court.

76.—(1) The Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) The puisne judges shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial Service Commission.

(3) (a) A person shall not be qualified for appointment as a judge of the High Court unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court ; or

(ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than five years to practise as an advocate or a solicitor in such a court.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition to his being permitted to practise.

(4) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the Justices of Appeal or the puisne judges or such other person qualified for appointment as a judge of the High Court as the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint :

Provided that a person who is not a Justice of Appeal or a puisne judge may be so appointed notwithstanding that he has attained the age prescribed for the purposes of section 77(1) of this Constitution.

(5) If the office of any puisne judge is vacant or if any such judge is appointed to act as Chief Justice, or is for any reason unable to perform the functions of his office, or if the Chief Justice advises the Governor-General that he is satisfied that the state of business in the High Court requires that the number of judges of the court should be temporarily increased, the Governor-General, acting in accordance

with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a judge of the High Court to act as a puisne judge of that court:

Provided that a person may act as a puisne judge notwithstanding that he has attained the age prescribed for the purposes of section 77(1) of this Constitution.

(6) Any person appointed under subsection (5) of this section to act as a puisne judge shall, subject to the provisions of section 77(3) and 77(4) of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Judicial Service Commission:

Provided that the Governor-General, acting in accordance with the advice of the Judicial Service Commission, may permit a person whose appointment to act as a puisne judge has expired or been revoked to continue to act as such a judge for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

77.—(1) Subject to the provisions of this section, a person holding the office of a judge of the High Court shall vacate that office on attaining the prescribed age:

Tenure of
office of
judges of
High Court.

Provided that the Governor-General, acting in accordance with the advice of the Judicial Service Commission, may permit a judge who has attained that age to continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A person holding the office of judge of the High Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) A judge of the High Court shall be removed from office by the Governor-General if the question of his removal has been referred to the Judicial Committee under subsection (4) of this section and the Judicial Committee has advised the Governor-General that the judge ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) If the Prime Minister represents to the Governor-General that the question of removing a judge under this section ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Prime Minister, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether he should request that the question of the removal of that judge from office should be referred by him to the Judicial Committee; and

(c) if the tribunal so recommends, the Governor-General shall refer the question to the Judicial Committee which shall then advise the Governor-General thereon.

(5) If the question of removing a judge from office has been referred to a tribunal under subsection (4) of this section, the Governor-General, acting in accordance with the advice of the Prime Minister, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor-General that the question of the removal of the judge from office should not be referred to the Judicial Committee; or

(b) if the Judicial Committee advises the Governor-General that the judge ought not be removed from office.

(6) The prescribed age for the purposes of subsection (1) of this section shall be the age of sixty-two years or such other age as may be prescribed by Parliament:

Provided that a law made by Parliament, to the extent that it alters the age at which a judge of the High Court shall vacate his office, shall not have effect in relation to a judge after his appointment unless he consents that it should have effect.

(7) The provisions of this section shall be without prejudice to the provisions of section 76(6) of this Constitution.

Oaths to be taken by judges of High Court.

78. A judge of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law.

PART 2

The Supreme Court of Appeal

Supreme Court of Appeal.

79.—(1) There shall be a Supreme Court of Appeal which, subject to the provisions of this Constitution, shall have such jurisdiction and powers as may be conferred on it by this Constitution or by any other law.

(2) The judges of the Supreme Court of Appeal shall be—

(a) the Chief Justice, as President;

(b) such number of Justices of Appeal (if any) as may be prescribed by Parliament;

(c) the puisne judges for the time being of the High Court.

(3) The office of a Justice of Appeal shall not be abolished while there is a substantive holder thereof.

(4) The Supreme Court of Appeal shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

(5) When the Supreme Court of Appeal is determining any matter, other than an interlocutory matter, it shall be composed of an uneven number of judges, not being less than three.

(6) The provisions of sections 76(2), 76(3), 76(5), 76(6), 77 and 78 of this Constitution shall apply in relation to a Justice of Appeal as they apply in relation to a puisne judge of the High Court.

PART 3

Appeals

80.—(1) An appeal shall lie from decisions of the Supreme Court of Appeal to the Judicial Committee as of right in the following cases—

Appeals to
Judicial
Committee.

- (a) where the matter in dispute on the appeal to the Judicial Committee is of the value of £500 or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of £500 or upwards, final decisions in any civil proceedings ;
- (b) final decisions in proceedings for dissolution or nullity of marriage ;
- (c) final decisions in any civil or criminal proceedings on questions as to the interpretation of this Constitution ; and
- (d) in such other cases as may be prescribed by Parliament.

(2) An appeal shall lie from decisions of the Supreme Court of Appeal to the Judicial Committee with the leave of the Supreme Court of Appeal in the following cases—

- (a) where in the opinion of the Supreme Court of Appeal the question involved in the appeal is one that, by reason of its great general public importance or otherwise, ought to be submitted to the Judicial Committee, decisions in any civil proceedings ; and
- (b) in such other cases as may be prescribed by Parliament.

(3) An appeal shall lie to the Judicial Committee with the special leave of the Judicial Committee from decisions of the Supreme Court of Appeal given in any civil or criminal matter.

81.—(1) Subject to the provisions of section 42(3) of this Constitution, an appeal shall lie as of right to the Supreme Court of Appeal from decisions of the High Court in which if the decision were a decision of the Supreme Court of Appeal an appeal would lie as of right to the Judicial Committee under section 80(1) of this Constitution.

Appeals to
Supreme
Court of
Appeal.

(2) An appeal shall lie as of right to the Supreme Court of Appeal from final decisions of the High Court in exercise of the jurisdiction conferred upon the High Court by section 25 of this Constitution.

82. An appeal shall lie as of right to the High Court from final decisions given by any subordinate court in any case in which, if the decision of the subordinate court were a decision of the Supreme Court of Appeal, an appeal would lie as of right to the Judicial Committee under section 80(1) of this Constitution :

Appeals from
subordinate
courts.

Provided that an appeal shall not lie direct to the High Court from a decision given by a subordinate court in any such case if, under any law, an appeal lies as of right from that decision to another subordinate court.

Supervisory
jurisdiction
of High
Court.

83.—(1) The High Court shall have jurisdiction to supervise any civil or criminal proceedings before any court to which this section applies and may make such orders, issue such writs and give such directions as it may consider appropriate for the purposes of ensuring that justice is duly administered by any such court.

(2) The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred on it by subsection (1) of this section.

(3) This section applies to any subordinate court (other than a local court) and to such local courts and such courts-martial as may be prescribed by Parliament.

Supple-
mentary.

84.—(1) The provisions of the Judicial Committee Act 1833(a) and of any rules made thereunder from time to time shall apply in relation to proceedings before the Judicial Committee under this Chapter but only in so far as those provisions relate to the powers of the Judicial Committee and the procedure to be adopted with respect to such proceedings and for that purpose they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary by reason of the nature of those proceedings or otherwise to bring them into conformity with the provisions of this Constitution.

(2) Subject to the provisions of this Chapter, provision may be made by or under an Act of Parliament regulating the procedure to be adopted by the Supreme Court of Appeal with respect to any appeal to the Judicial Committee under this Chapter or by the parties to any such appeal.

(3) Any decision given by the Judicial Committee in any appeal under this Chapter shall be enforced in like manner as if it were a decision of the court from whose decision the appeal to the Judicial Committee was made.

(4) Subject to the provisions of subsection (3) of this section, the Judicial Committee shall, in relation to any appeal to it under this Chapter in any case, have all the jurisdiction and powers possessed in relation to that case by the Supreme Court of Appeal.

PART 4

Judicial Service Commission

Judicial
Service
Commission.

85. There shall be a Judicial Service Commission which shall consist of—

- (a) the Chief Justice, who shall be Chairman ;
- (b) the Chairman of the Public Service Commission or such other member of that Commission as may for the time being be designated in that behalf by the Chairman of that Commission ;
and
- (c) such Justice of Appeal or puisne judge as may for the time being be designated in that behalf by the Governor-General, acting in accordance with the advice of the Chief Justice.

(a) 3 & 4 Will. 4. c. 41.

86.—(1) Power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments) to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Judicial Service Commission.

Appoint-
ment, etc.,
of judicial
officers.

(2) The Judicial Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission, any judge of the High Court, or to any person holding or acting in any office to which this section applies.

(3) The offices to which this section applies are—

- (a) the office of Registrar or Deputy Registrar of the Supreme Court of Appeal or of the High Court ;
- (b) the office of Resident Magistrate or Magistrate ; or
- (c) such other offices of president or member of any court of law or connected with any court of law as may be prescribed by Parliament.

CHAPTER VII

FINANCE

87.—(1) All revenues or other moneys raised or received for the purposes of the Government of Malawi shall be paid into the public funds of Malawi.

Payment
into and
withdrawal
from public
funds.

(2) No money shall be withdrawn from any public fund of Malawi for the purposes of meeting any expenditure except upon the authority of a warrant under the hand of the Minister responsible for finance.

(3) No such warrant shall be issued for the purposes of meeting any expenditure unless—

- (a) the expenditure is charged upon the revenues or public funds of Malawi by this Constitution or any other law ;
- (b) the expenditure has been authorized for the financial year during which the withdrawal is to take place—
 - (i) by an Appropriation Act ; or
 - (ii) by a supplementary Appropriation Act or a resolution approving a supplementary estimate passed in accordance with the provisions of section 88(3) of this Constitution ; or
- (c) the expenditure has been authorized in accordance with the provisions of section 89 or 90 of this Constitution.

(4) No money shall be withdrawn from the public funds of Malawi for a purpose other than the purpose of meeting expenditure—

- (a) unless the issue of that money is authorized by or under a law ; and
- (b) except in the manner prescribed by Parliament.

88.—(1) The Minister responsible for finance shall cause to be prepared and laid before the National Assembly, before or not later than thirty days after the commencement of each financial year, estimates of the revenues and expenditure of Malawi for that financial year.

Authoriza-
tion of
expenditure.

(2) The heads of expenditure contained in the estimates for a financial year (other than expenditure charged upon the revenues of Malawi by this Constitution or any Act of Parliament) shall be included in a bill or bills to be known as Appropriation bills which shall be introduced into the National Assembly to provide for the issue from the public funds of Malawi of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found—

(a) that the amount appropriated by an Appropriation Act for the purposes included in any head of expenditure is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by any Appropriation Act; or

(b) that any monies have been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by an Appropriation Act or for a purpose for which no amount has been appropriated by any Appropriation Act,

a supplementary estimate showing the sums required or spent shall be laid before the National Assembly and the heads of expenditure shall be included in a supplementary Appropriation bill, or in a motion or motions approving such expenditure, which shall be introduced into the Assembly.

(4) Where any supplementary expenditure has been approved in a financial year by a resolution of the National Assembly in accordance with the provisions of subsection (3) of this section, a supplementary Appropriation bill shall be introduced in the National Assembly, not later than six months after the commencement of the financial year next following, providing for the appropriation of the sums so approved.

Authoriza-
tion of
expenditure
in advance of
appropriation.

89. Parliament may make provision under which, if the Appropriation Acts in respect of any financial year have not come into operation by the beginning of that financial year, the Minister responsible for finance may authorize the withdrawal of monies from the public funds of Malawi for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Acts, whichever is the earlier.

Contingen-
cies Fund.

90.—(1) Parliament may make provision for the establishment of a Contingencies Fund and for authorizing the Minister responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented as soon as possible for the purpose of replacing the amount so advanced.

Remunera-
tion of
certain
officers.

91.—(1) There shall be paid to the holders of the offices to which this section applies such salary and such allowances as may be prescribed by Parliament.

(2) The salaries and any allowances payable to the holders of the offices to which this section applies shall be a charge on the revenues of Malawi.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment.

(4) Where a person's salary or terms of office depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of the Governor-General, judge of the Supreme Court of Appeal, judge of the High Court, member of the Public Service Commission, member of the Police Service Commission, the Director of Public Prosecutions and the Auditor-General.

92.—(1) There shall be charged on the revenues and public funds of Malawi all debt charges for which Malawi is liable. Public debt.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortization of debt, and all expenditure in connection with the raising of loans on the security of the revenues of the former Nyasaland Protectorate or of Malawi and on the service and redemption of debt thereby created.

93.—(1) There shall be an Auditor-General whose office shall be a public office. Auditor-General.

(2) The public accounts of Malawi and of all officers, courts and authorities of the Government of Malawi shall be audited and reported on by the Auditor-General and for that purpose the Auditor-General or any person authorized by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts.

(3) The Auditor-General shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the National Assembly.

(4) In the exercise of his functions under this Constitution the Auditor-General shall not be subject to the direction or control of any other person or authority.

CHAPTER VIII

THE PUBLIC SERVICE

94.—(1) There shall be a Public Service Commission which shall consist of a Chairman and not less than three nor more than five other members. Public Service Commission.

(2) The members of the Public Service Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission if he is a Minister, a member of the National Assembly or a public officer.

(4) Subject to the provisions of this section, the office of a member of the Public Service Commission shall become vacant—

(a) at the expiration of four years from the date of his appointment ;
or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Public Service Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) If the office of Chairman of the Public Service Commission is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the other members of the Commission as may be designated in that behalf by the Governor-General, acting in accordance with the advice of the Prime Minister.

(7) If at any time there are less than three members of the Public Service Commission besides the Chairman or if any such member is appointed to act as Chairman or is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint a person who is qualified for appointment as a member of the Commission to act as a member, and any person so appointed shall, subject to the provisions of subsection (4) of this section, continue to act until the office in which he is acting is filled or, as the case may be, until the holder thereof resumes his functions or until his appointment to act is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

Appoint-
ment, etc.
of public
officers.

95.—(1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in any offices in the public service (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Public Service Commission.

(2) The Public Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission or to any public officer.

(3) The provisions of this section shall not apply in relation to any of the following offices—

(a) the office of any judge of the Supreme Court of Appeal or of any judge of the High Court ;

(b) the offices of Director of Public Prosecutions or Auditor-General ;

(c) any office to which section 86 (which relates to judicial offices), section 99 (which relates to the offices of representatives of Malawi abroad) or section 100 of this Constitution (which relates to the offices of Permanent Secretaries and the office of the Secretary to the Cabinet) applies ; or

(d) any office in the Malawi Police Force.

(4) No person shall be appointed under this section to or to act in any office on the personal staff of the Governor-General except with the concurrence of the Governor-General.

(5) Before exercising any of its powers in relation to the Clerk or Clerk-Assistant of the National Assembly, the Public Service Commission shall consult the Speaker of the Assembly.

(6) Before the Public Service Commission appoints to or to act in any public office any person holding or acting in any office the power to make appointments to which is vested by this Constitution in the Judicial Service Commission or the Police Service Commission, it shall consult that Commission.

96.—(1) Power to appoint persons to hold the office of Director of Public Prosecutions shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

Appointment
of Director
of Public
Prosecutions.

(2) A person shall not be qualified for appointment to hold or to act in the office of Director of Public Prosecutions unless he is qualified to be appointed as a judge of the High Court.

(3) If the office of Director of Public Prosecutions is vacant or if the Director of Public Prosecutions is for any reason unable to exercise the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint a person to act as Director of Public Prosecutions, and any person so appointed shall, subject to the provisions of sections 98(1), 98(3) and 98(5) of this Constitution, continue to act until a person has been appointed to the office of Director of Public Prosecutions and has assumed the functions of that office or, as the case may be, until the person in whose place he is acting has resumed those functions.

(4) Before tendering any advice for the purposes of this section, the Prime Minister shall consult the Public Service Commission.

97.—(1) Power to appoint persons to hold the office of Auditor-General shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

Appointment
of Auditor
General.

(2) If the office of Auditor-General is vacant or if the Auditor-General is for any reason unable to exercise the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint a person to act as Auditor-General, and any person so appointed shall, subject to the provisions of sections 98(1), 98(3) and 98(5) of this Constitution, continue to act until a person has been appointed to the office of Auditor-General and has assumed the functions of that office or, as the case may be, until the person in whose place he is acting has resumed those functions.

(3) Before tendering any advice for the purposes of this section, the Prime Minister shall consult the Public Service Commission.

98.—(1) Subject to the provisions of this section, the Director of Public Prosecutions shall vacate his office when he attains the prescribed age.

Tenure of
office of
Director of
Public
Prosecutions
and Auditor-
General.

(2) The Director of Public Prosecutions may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) The Director of Public Prosecutions shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under subsection (4) of this section and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) If the Prime Minister represents to the Governor-General that the question of removing the Director of Public Prosecutions ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal which shall consist of a Chairman and not less than two other members selected by the Governor-General, acting in accordance with the advice of the Prime Minister, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the person ought to be removed under this section.

(5) If the question of removing the Director of Public Prosecutions has been referred to a tribunal under this section, the Governor-General, acting in accordance with the advice of the Prime Minister, may suspend the Director of Public Prosecutions from performing the functions of his office and any such suspension may at any time be revoked by the Governor-General, acting in accordance with the advice of the Prime Minister, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the person should not be removed.

(6) The prescribed age for the purposes of subsection (1) of this section shall be the age of fifty-five years or such other age as may be prescribed by Parliament:

Provided that an Act of Parliament, to the extent that it alters the age at which the Director of Public Prosecutions shall vacate his office, shall not have effect in relation to a Director of Public Prosecutions after his appointment unless he consents that it should have effect.

(7) The foregoing provisions of this section shall apply in relation to the Auditor-General as they apply in relation to the Director of Public Prosecutions.

Principal
representa-
tives of
Malawi
abroad.

99.—(1) Power to appoint persons to hold or act in offices to which this section applies and to remove from office persons holding or acting in such offices shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Before tendering any advice for the purposes of this section in relation to any person who holds any office in the public service, other than an office to which this section applies, the Prime Minister shall consult the Public Service Commission.

(3) The offices to which this section applies are the offices of Ambassador, High Commissioner or other principal representative of Malawi in any other country.

Appointment
of Permanent
Secretaries,
etc.

100.—(1) Power to appoint persons to hold or act in offices to which this section applies and to remove from office persons holding or acting in such offices shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Before tendering any advice for the purposes of this section, the Prime Minister shall consult the Public Service Commission.

(3) The offices to which this section applies are the offices of any Permanent Secretary or the Secretary to the Cabinet.

101. There shall be a Police Service Commission which shall consist of—

Police
Service
Commission.

- (a) the Chairman of the Public Service Commission, who shall be Chairman of the Commission ;
- (b) a judge of the High Court designated by the Governor-General, acting in accordance with the advice of the Prime Minister ; and
- (c) a member of the Public Service Commission, other than the Chairman, designated by the Governor-General, acting in accordance with the advice of the Prime Minister.

102.—(1) Power to appoint persons to hold or act in the office of Commissioner of Police or Deputy Commissioner of Police shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

Appointment
of Commis-
sioner and
Deputy
Commis-
sioner of
Police.

(2) Before tendering advice for the purposes of this section the Prime Minister shall consult the Police Service Commission.

103.—(1) Subject to the provisions of section 102 of this Constitution, power to appoint persons to hold or act in offices in the Malawi Police Force (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Police Service Commission.

Appoint-
ment, etc. of
police
officers.

(2) The Police Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under this section to the Commissioner of Police or to any other member of the Malawi Police Force and may, by such directions and subject as aforesaid, empower the person to whom the delegation is made to authorize another member of the Malawi Police Force to exercise the power so delegated.

104. Nothing in section 103 of this Constitution shall preclude Parliament from making provision constituting acts or omissions by members of the Malawi Police Force as offences against police force discipline and prescribing the punishment that may be imposed for any such offence, and the powers of the Police Service Commission and of any officer of the Malawi Police Force under that section with respect to disciplinary control and removal from office of members of the Police Force shall be exercised in accordance with any such provision.

Laws with
respect to
police
discipline.

105.—(1) The law to be applied with respect to any pensions benefits that were granted to any person before 6th July 1964 shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.

Pensions
laws and
protection
of pension
rights.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall—

- (a) in so far as those benefits are wholly in respect of a period of service as a public officer that commenced before 6th July 1964, be the law that was in force on 5th July 1964 ; and
- (b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced after 6th July 1964, be the law in force on the date on which that period of service commenced.

or any law in force at a later date that is not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) All pensions benefits shall (except to the extent to which, in the case of benefits under the Widows' and Orphans' Pensions Ordinance^(a) or under any law amending or replacing that Ordinance, they are a charge on a fund established by that Ordinance or by any such law and have been duly paid out of that fund to the person or authority to whom payment is due) be a charge on the revenues and public funds of Malawi.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

Power of
Commissions
in relation
to pensions,
etc.

106.—(1) Where under any law any person or authority has a discretion—

(a) to decide whether or not any pensions benefits shall be granted ;
or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any pensions benefits that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

(3) The appropriate Commission shall not concur under subsection (1) or subsection (2) of this section in action taken on the ground that any person who holds or has held the office of a judge of the Supreme Court of Appeal, a judge of the High Court, the Director of Public Prosecutions or the Auditor-General has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section " the appropriate Commission " means—

(a) Laws of Nyasaland, 1957, c. 61.

(a) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was subject to the disciplinary control of the Judicial Service Commission or that have been granted in respect of such service, the Judicial Service Commission ;

(b) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was a member of the Malawi Police Force, the Police Service Commission ; and

(c) in any other case, the Public Service Commission.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependents or personal representatives of such persons in respect of such service.

CHAPTER IX

MISCELLANEOUS

107.—(1) Any Commission established by this Constitution may, with the consent of the Prime Minister or such other Minister as may be authorized in that behalf, by regulation or otherwise regulate its own procedure or confer power or impose duties on any officer or authority of the Government of Malawi for the purpose of discharging its functions.

Performance
of functions
of Com-
missions.

(2) Any decision of any Commission established by this Constitution shall require the concurrence of a majority of all the members thereof and, subject as aforesaid, the Commission may act notwithstanding the absence of any member.

(3) Subject to the provisions of this section, any Commission established by this Constitution may regulate its own procedure.

108.—(1) Any person who is appointed or elected to any office established by this Constitution or any office of Minister established under this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected:

Resignations.

Provided that in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the Assembly, and in the case of a member of the Assembly his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.

109.—(1) Where any person has vacated any office established by this Constitution or any office of Minister established under this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

Re-appoint-
ments and
concurrent
appoint-
ments.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be

appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

Interpreta-
tion.

110.—(1) In this Constitution, unless the context otherwise requires—

“Act of Parliament” means any law made by Parliament;

“African” means any member of the original tribes or races of the Continent of Africa and includes any person having the blood of any such tribe or race;

“Asian” means a person of Asian descent and includes a person who is partly of Asian and partly of European descent;

“the Commonwealth” means Malawi, any country to which section 8 of this Constitution applies, and any dependency of any such country;

“European” means a person of European descent, not having the blood of any African or Asian tribe or race, and includes an American or Australasian of such descent;

“financial year” means the period of twelve months ending on 31st December in any year or on such other day as Parliament may prescribe;

“the Judicial Committee” means the Judicial Committee of the Privy Council established by the Judicial Committee Act 1833 as from time to time amended by any Act of the Parliament of the United Kingdom;

“Justice of Appeal” means a judge of the Supreme Court of Appeal other than the Chief Justice or a puisne judge of the High Court;

“local court” means a court established by or under the Local Courts Ordinance^(a) or any law amending or replacing that Ordinance;

“Malawi” means the territory comprised in the former Nyasaland Protectorate;

“the former Nyasaland Protectorate” means the territory that, on 5th July 1964, was comprised in the Protectorate of Nyasaland;

“the oath of allegiance” means such oath of allegiance as may be prescribed by law;

“public office” means an office of emolument in the public service;

“public officer” means a person holding or acting in any public office;

“the public service” means, subject to the provisions of subsections (2) and (3) of this section, the service of the Crown in a civil capacity in respect of the government of Malawi;

“session” means the sittings of the National Assembly beginning when it first sits after the coming into operation of this Constitution

or after its prorogation or dissolution at any time and ending when it is prorogued or is dissolved without having been prorogued ;

“sitting” means a period during which the National Assembly is sitting without adjournment and includes any period during which it is in committee ;

“subordinate court” means any court established for Malawi other than—

- (a) the Judicial Committee ;
- (b) the Supreme Court of Appeal ;
- (c) the High Court ; or
- (d) a court-martial.

(2) In this Constitution, unless the context otherwise requires, references to offices in the public service shall be construed as including references to the offices of judges of the Supreme Court of Appeal, judges of the High Court, to the offices of members of all subordinate courts (other than courts-martial or a local court), being offices the emoluments attaching to which are paid directly out of monies provided by Parliament, and to the offices of members of the Malawi Police Force.

(3) In this Constitution references to an office in the public service shall not be construed as including references to the office of the Speaker or Deputy Speaker of the National Assembly, the Prime Minister or other Minister, Parliamentary Secretary, a member of the Assembly, a member of any Commission established by this Constitution or a chief or sub-chief.

(4) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Crown.

(5) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

(6) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

(a) nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the Supreme Court of Appeal, a judge of the High Court or the Director of Public Prosecutions or the Auditor-General to retire from the public service ; and

(b) any power conferred by any law to permit a person to retire from the public service shall, in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Public Service Commission.

(7) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of

public officers generally or any class of public officer on attaining an age specified therein.

(8) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(9) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(10) Where any power is conferred by this Constitution to make any Proclamation, order, regulation or rule, to give any direction or make any designation, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such Proclamation, order, regulation, rule, direction or designation.

(11) Any reference in this Constitution to a law made before 6th July 1964 shall, unless the context otherwise requires, be construed as a reference to that law as it had effect on 5th July 1964.

(12) Any reference in this Constitution to a law that amends or replaces any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, or makes different provision in lieu of that other law.

(13) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

Section 33
(2).

THE SCHEDULE TO THE CONSTITUTION

QUALIFICATIONS AND DISQUALIFICATIONS FOR REGISTRATION AS A VOTER

1. Subject to the provisions of paragraphs 4 and 5 of this Schedule, a person shall be qualified to be registered as a voter in a general roll constituency if, and shall not be so qualified unless, at the date of his application for registration he—

- (a) is a citizen of Malawi ;
- (b) has attained the age of twenty-one years ;
- (c) is an African, an Asian or a European ;
- (d) is ordinarily resident in Malawi and has been ordinarily resident in Malawi or the former Nyasaland Protectorate at any time for a continuous period of two years ; and
- (e) is ordinarily resident in that constituency or was born there or is employed or carries on a business there.

2. Subject to the provisions of paragraphs 4 and 5 of this Schedule, a person shall be qualified to be registered as a voter in a special roll

constituency if, and shall not be so qualified unless, at the date of his application for registration he—

- (a) is a citizen of Malawi ;
- (b) has attained the age of twenty-one years ;
- (c) is a European ;
- (d) is ordinarily resident in Malawi and has been ordinarily resident in Malawi or the former Nyasaland Protectorate at any time for a continuous period of two years ; and
- (e) is ordinarily resident in that constituency or was born there or is employed or carries on a business there.

3. Any person who was registered as a voter on 29th March 1964 in a general roll constituency under regulations made or having effect as if made under the Nyasaland (Electoral Provisions) Order in Council 1964 shall be deemed to possess the qualifications specified in sub-paragraphs (a), (b), (c) and (d) of paragraph 1 of this Schedule and any person who was registered as a voter on 19th January 1964 in a special roll constituency under regulations made or having effect as if made under that Order in Council shall be deemed to possess the qualifications specified in sub-paragraphs (a), (b), (c) and (d) of paragraph 2 of this Schedule.

4. No person shall be qualified for registration as a voter in a general roll constituency or in a special roll constituency—

- (a) if he is, under any law in force in Malawi, adjudged or otherwise declared to be of unsound mind ;
- (b) if he is under sentence of death imposed on him by a court in Malawi or in the former Nyasaland Protectorate or is serving a sentence of imprisonment (by whatever name called) imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court ; or
- (c) if he is disqualified for registration as a voter by Parliament on the grounds of his having been convicted of an offence connected with elections or on the grounds of his having been reported guilty of such an offence by the court trying an election petition.

5. No person shall be qualified for registration as a voter in a general roll constituency if he has at any time been registered as a voter in a special roll constituency and no person shall be qualified for registration as a voter in a special roll constituency if he has at any time been registered as a voter in a general roll constituency.

6. Where any person is qualified to be registered in more than one constituency as a voter he shall be so registered only in the first of the constituencies in which he applies to be so registered.

7. References in this Schedule to a sentence of imprisonment do not include references to a sentence of imprisonment imposed as an alternative to or in default of payment of a fine.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By virtue of the provisions of the Malawi Independence Act 1964, the present Protectorate of Nyasaland will attain fully responsible status within the Commonwealth on 6th July 1964 under the name of Malawi. This Order makes provision for a new Constitution for Malawi from that date.

 STATUTORY INSTRUMENTS

1964 No. 917

AFRICA

**The Malawi (Compensation and Retiring Benefits)
Order 1964**

<i>Made</i> - - - -	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	Immediately before 6th July 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Malawi (Compensation and Retiring Benefits) Order 1964.

Citation
and
commence-
ment.

(2) This Order shall come into operation immediately before 6th July 1964.

2.—(1) In this Order—

Interpre-
tation.

(a) "Malawi" means the territory that on 5th July 1964 was comprised in the Protectorate of Nyasaland and, in relation to any period prior to the commencement of this Order, that Protectorate;

(b) "the limited compensation scheme" means the Scheme of retirement benefits for pensionable overseas officers who retire in the interests of localization or are required to retire to facilitate the introduction of constitutional changes that was published by the Government of Nyasaland on 10th May 1963 and "the general compensation scheme" means the Scheme of retirement benefits for members of Her Majesty's Overseas Civil Service and for officers designated under the Overseas Service (Nyasaland) Agreement 1961 that was published by the Government of Nyasaland on 10th October 1963.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

3. The provisions contained in the Schedule to this Order shall have effect in relation to the public service of Malawi.

Application
of Schedule.

Transitional provisions.

4.—(1) Where any officer or authority has before the commencement of this Order in pursuance of any provision of the limited compensation scheme or the general compensation scheme given any permission or consent or prescribed any condition or granted any benefit or made any payment or made any declaration or done any other thing for the purposes of that scheme, that permission, consent, condition, benefit, payment, declaration or other thing shall be deemed to have been given, prescribed, granted, made or done, as the case may be, under the corresponding provision of the Schedule to this Order, and the provisions of that Schedule shall have effect accordingly.

(2) Where any officer has before the commencement of this Order in pursuance of any provision in the limited compensation scheme or the general compensation scheme given any undertaking or given or received any notice or retired or received any benefit he shall, provided that any conditions prescribed or deemed to have been prescribed by or under the Schedule to this Order are satisfied, be deemed to have given that undertaking, to have given or received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

(3) Any officer who has, before the commencement of this Order, been required under the provisions of the general compensation scheme, to retire to facilitate the localisation of the public service of Nyasaland shall, for the purposes of the Schedule to this Order, be deemed to have retired under section 11 of the Malawi Independence Order 1964(a).

(4) The notice prescribed by the general compensation scheme to be given by officers who elect to retire from the public service shall be deemed to have been prescribed by the appropriate Service Commission under paragraph 4 of the Schedule to this Order ; any declaration made by the Governor under the limited or general compensation scheme as to whether an officer has been or is required to retire in the circumstances described in paragraph 9 of that Schedule shall be deemed to have been made by the appropriate Service Commission under that paragraph ; and any permission to retire given by the Governor under the limited compensation scheme in the circumstances described in paragraph 10 of that Schedule shall be deemed to have been given by the appropriate Service Commission under that paragraph.

(5) Any conditions or notices prescribed by the appropriate Service Commission for the purpose of paragraph 4 or paragraph 8 of the Schedule to this Order shall be not less favourable to any officer than any condition or notices prescribed by or for the purpose of the corresponding provision of the limited compensation scheme or the general compensation scheme as the case may be.

Modified application.

5. If the Government of the United Kingdom and the Government of Malawi agree that, in their application to any officer, the foregoing provisions of this Order and the provisions of the Schedule thereto shall have effect subject to such modifications or exceptions as those Governments may agree, then those provisions shall have effect accordingly.

W. G. Agnew.

SCHEDULE

COMPENSATION AND RETIREMENT BENEFITS FOR CERTAIN OFFICERS
IN THE PUBLIC SERVICE OF MALAWI

1.—(1) In this Schedule, unless the context otherwise requires— Interpre-
tation.

“appropriate law” in relation to an officer in the public service means the law in force in Malawi that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service ;

“appropriate Service Commission”—

(a) in relation to an officer who can be removed from his office by the Judicial Service Commission, means that Commission ;

(b) in relation to an officer who can be removed from his office by the Police Service Commission, means that Commission ;
and

(c) in any other case, means the Public Service Commission ;

“entitled officer” means an officer in the public service who on the operative date has not attained the age of fifty-five years or, in the case of a judge of the High Court, sixty-two years and who—

(a) was before 1st January 1963 appointed or selected for appointment to an office in the public service, being a pensionable office for the purposes of the appropriate law ;

(b) was on the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law ;

(c) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, or a designated officer for the purposes of the Overseas Service (Nyasaland) Agreement 1961 ;

(d) has since the operative date been the substantive holder of an office service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law ; and

(e) has been confirmed in his appointment, where his appointment is subject to confirmation ;

and includes an officer in the public service on and since the operative date to whom the provisions of the Oversea Superannuation Scheme (Consolidation) Regulations apply.

“General Orders” means the General Orders of the Government ;

“Government” means the Government of Malawi ;

“public service” means the public service of Malawi ;

“operative date” means 1st November 1963 ;

“Oversea Superannuation Scheme (Consolidation) Regulations” means any regulations so entitled made by a Secretary of State ;

“pensionable emoluments” means emoluments that may be taken into account in computing the pension of an officer under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be ;

“pensionable service” means the aggregate amount of service that may be taken into account for the purpose of computing the pension of an officer under the appropriate law or the Oversea

Superannuation Scheme (Consolidation) Regulations, as the case may be, and in the case of an officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply includes service that could be taken into account for the purpose of computing pensions under the European Officers' Pensions Ordinance of Malawi ;

" substantive holder " in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) For the purposes of this Schedule—

- (a) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement otherwise than under this Schedule ;
- (b) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period between the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement ;
- (c) when an officer on probation is required to retire—
 - (i) under section 11 of the Malawi Independence Order 1964 ;
 - (ii) to facilitate the introduction of constitutional changes ;
 - (iii) in consequence of injury or ill-health ;
 - (iv) in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of that part of the public service to which he belongs by which greater economy or efficiency may be effected ; or
 - (v) on the grounds of age in accordance with the provisions of the appropriate law,

he shall be deemed to have been confirmed in his appointment immediately before the day upon which he was given notice requiring him to retire ;

- (d) subject to the provisions of head (a) of this sub-paragraph, an officer who satisfies the conditions specified in heads (a), (b), (c) and (e) of the definition of " entitled officer " in sub-paragraph (1) of this paragraph, and who has, before the date of the commencement of this Order, retired or died, shall be deemed to have become entitled to compensation under paragraph 2 or paragraph 9, as the case may be, of this Schedule and the provisions of this Schedule shall have effect in relation to such officer as if he were an entitled officer immediately before such retirement or death.

(3) Where an officer was on any date appointed or selected for appointment to an office in the public service upon transfer from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act 1892(a) and for any period thereafter was entitled to return to such pensionable employment he shall not for the purposes of this Schedule be regarded

as having been on that date appointed or, as the case may be, selected for appointment as the substantive holder of an office in the public service but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceases to be entitled to return to such pensionable employment if on that date he was holder of an office in the public service.

2.—(1) Subject to the provisions of this Schedule, every entitled officer shall, at the commencement of this Order or, in the case of a person who becomes an entitled officer after that date, at the date on which he becomes an entitled officer, become entitled to compensation, which shall be assessed in accordance with the provisions of this paragraph and at each assessment shall be calculated by multiplying the amount of his annual pensionable emoluments on the date taken for calculation by the appropriate factor and the resulting amount, or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled:

Entitlement
to compen-
sation.

Provided that an officer seconded to the service of another government or authority on the date taken for calculation shall, for the purposes of this paragraph, be deemed to have such annual pensionable emoluments on that date as he would have had on that date if he had not been so seconded but had continued until that date to hold the office in the public service that he was holding immediately before his secondment and had been granted all increments and other increases of salary for which he would thus have been eligible.

(2) The compensation of each entitled officer under this paragraph shall be provisionally assessed as soon as is reasonably practicable after the commencement of this Order or, in the case of a person who becomes an entitled officer after the commencement of this Order, as soon as is reasonably practicable after that person becomes an entitled officer and for that purpose the date to be taken for calculation shall be the operative date or, in the case of a person who becomes an entitled officer after the operative date, the date on which that person became an entitled officer.

(3) The compensation under this paragraph of each person who is serving as an entitled officer shall be provisionally reassessed upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph and shall be finally assessed upon his retirement or death while still serving as an entitled officer and for the purposes of this sub-paragraph the date to be taken for calculation shall be such date (not being earlier than the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph or later than the date upon which his compensation is provisionally reassessed or finally assessed, as the case may be) as is most advantageous in relation to the officer.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table I of the Annex to this Schedule (or, in the case of a judge of the High Court, Table II of that Annex) that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned in completed years and months or, if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

Payment of
compensation.

3.—(1) When the compensation of an entitled officer has been provisionally assessed under paragraph 2(2) of this Schedule, a payment shall be made to that officer, which—

(a) in the case of an entitled officer who has undertaken, otherwise than in relation to his promotion in the public service, to serve as such for any period (not being less than two years beginning on the operative date, or, if he was not an entitled officer on the operative date, on the date on which he became an entitled officer, exclusive of any period in which he is on leave of absence) shall be an amount equal to the amount of the compensation or two thousand pounds, whichever is the less ;

(b) in any other case, shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds one thousand pounds, then one-sixth of the amount of compensation or one thousand pounds, whichever is the greater :

Provided that if an entitled officer gives such an undertaking after a payment has been made to him under this sub-paragraph, but not later than twelve months after the date in relation to which his compensation was assessed under paragraph 2(2) of this Schedule, he shall be paid as soon as is reasonably practicable after the date on which he gave that undertaking and in any case within three months of that date, an amount which when added to the amount already paid to him equals the amount he would have been paid under this sub-paragraph if he had given that undertaking before any payment had been made to him under this sub-paragraph.

(2) Subject to the provisions of paragraph 13 of this Schedule, a further payment shall be made to every person who has become entitled to compensation under paragraph 2 of this Schedule and who has not already received the whole of that compensation (whether that person is serving as an entitled officer or has retired) upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of that paragraph, which—

(a) in the case of a payment made upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding ; and

(b) in the case of a payment made upon the fifth or any later anniversary, shall be an amount equal to the balance of compensation then outstanding :

Provided that—

(i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds five hundred pounds and, in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance, if added to the amount of compensation already paid under this paragraph, would exceed two thousand pounds, an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid ;

(ii) where the balance so outstanding is less than five hundred pounds, or, in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance exceeds five hundred pounds but would not, if added to the amount of compensation already paid under this paragraph, exceed two thousand pounds, an amount equal to that balance shall be paid.

- (3) In this section "the appropriate fraction —
- (a) in relation to an assessment made upon the first anniversary, means one-fifth ;
 - (b) in relation to an assessment made upon the second anniversary, means one-quarter ;
 - (c) in relation to an assessment made upon the third anniversary, means one-third ; and
 - (d) in relation to an assessment made upon the fourth anniversary, means one-half.

4.—(1) Subject to the provisions of this paragraph, an entitled officer Retirement.
may, after giving such notice as may be prescribed by the appropriate Service Commission, retire at any time.

(2) An entitled officer who has given notice of his intention to retire under this paragraph on any date may, with the consent of the appropriate Service Commission, withdraw the notice at any time before that date.

(3) No entitled officer shall retire under this paragraph without the permission of the appropriate Service Commission :

Provided that the Commission shall not withhold permission unless disciplinary proceedings are being taken, or are about to be taken, against the officer and those proceedings might lead to his dismissal.

(4) An entitled officer—

- (a) who is permitted to retire by reason of injury or ill health ;
- (b) who is required to retire on or after his attainment of any age prescribed by law ;
- (c) who is required to retire in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the part of the public service to which he belongs by which greater economy or efficiency may be effected ;
- (d) who is required to retire in the public interest ;
- (e) who is required to retire under section 11 of the Malawi Independence Order 1964 ; or
- (f) in the case of a woman officer, who is required to retire upon her marriage,

shall be deemed to have retired under this paragraph.

(5) In the case of an entitled officer who retires under sub-paragraph (1) of this paragraph and—

- (a) who is on leave of absence after completing a tour of residential service—
 - (i) if he returns to Malawi for further duty at the requirement of the Government he shall be provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when returning to Malawi for a tour of duty, and when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;
 - (ii) if he returns to Malawi to settle his affairs and on his return completes a tour of residential service of not less than twelve months, he will be paid the cost of the passages

for himself and his family and of transporting his baggage to Malawi (but not exceeding the cost of such passages and baggage facilities as an officer of similar status is entitled to under General Orders when returning to Malawi for a tour of duty) and provide him with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(iii) if he does not return to Malawi, he shall be provided with such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(b) who retires in any other circumstances, he shall be provided with such passages and baggage facilities for himself and his family as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) In the case of the retirement of an entitled officer who is required to retire in the circumstances described in sub-paragraph (4)(c) or (e) of this paragraph and—

(a) who is on leave of absence after completing a tour of residential service—

(i) he shall, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice under that section requiring him to retire is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date up to six months ;

(ii) he shall (if he returns to Malawi to settle his affairs) be provided with a passage to Malawi for his own use as if he were returning to Malawi for a further tour of residential service and such passage and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service ; and

(iii) in the case of the retirement of an entitled officer who is required to retire in circumstances described in sub-paragraph (4)(e) of this paragraph and who returns to Malawi to settle his affairs, he shall be paid a subsistence allowance at the rate prescribed by General Orders for the period (but not exceeding twenty-one days) of his stay in Malawi ;

(b) who retires in any other circumstances—

(i) he shall not be required to depart from Malawi on leave of absence pending his retirement until the expiration of a period of six months from the date upon which he was given notice requiring him to retire ;

- (ii) he shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service ;
- (iii) he shall, if the period of leave on full pensionable emoluments for which he is eligible is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence pending his retirement up to six months.

5.—(1) Where an entitled officer dies and it is lawful under the provisions of the appropriate law for a gratuity to be granted to his personal representatives, there shall be granted to his personal representatives either that gratuity or a gratuity equal to the maximum gratuity that could have been granted to that officer under the provisions of paragraph 11 of this Schedule if he had retired under this Schedule at the date of his death, whichever is the greater :

Special gratuity on the death of certain officers.

Provided that, in the case of an officer to whom Part III of the European Officers' Pensions Regulations of Malawi applied, in respect of that proportion of the pension for which he would have been eligible, if he had retired under this Schedule at the date of his death and which is attributable to his pensionable service otherwise than in the public service, the provisions of paragraph 11(1)(c) of this Schedule shall not apply and the permitted fraction referred to in that paragraph shall not be less than three-quarters.

(2) For the purposes of the proviso to sub-paragraph (1) of this paragraph the proportion of a pension which is attributable to the pensionable service of an officer otherwise than in Malawi shall be that proportion of the pension for which the officer would have been eligible if his pensionable service had been wholly in Malawi as the aggregate amount of his pensionable emoluments during his pensionable service otherwise than in Malawi bears to the aggregate amount of his pensionable emoluments throughout his pensionable service.

(3) Where an entitled officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply dies and a gratuity is payable to his personal representatives under those Regulations, there shall be granted to his personal representatives a gratuity equal to the amount produced by subtracting the amount of the gratuity payable under those Regulations from the amount of the maximum gratuity which could have been granted to that officer under paragraph 11 of this Schedule if that paragraph and the European Officers' Pensions Ordinance of Malawi had applied to him and he had retired under this Schedule at the date of his death.

(4) The Secretary to the Treasury may direct that instead of being paid to the personal representative, any gratuity payable under this paragraph shall be paid to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Secretary to the Treasury may think fit.

6.—(1) This paragraph applies to an entitled officer or an officer to whom paragraph 9 or 10 of this Schedule applies, who has retired under this Schedule and—

Officers reappointed to U.K. service.

- (a) who was transferred to the public service from pensionable employment under the Government of the United Kingdom either

in a public office as defined by the Superannuation Act 1892 or in employment pensionable under the Federated Superannuation System for Universities ; and

(b) who not later than twelve months after he retired has (other than as the result of a competition conducted by the Civil Service Commissioners of the United Kingdom) returned to such pensionable employment.

(2) A person to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or paragraph 9 or paragraph 10 of this Schedule, as the case may be, but shall be entitled to compensation of an amount equal to—

(a) one-half of the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule ; or

(b) the amount he would receive if he were entitled to compensation under paragraph 7 of this Schedule, having been transferred to the pensionable employment referred to in sub-paragraph (1)(b) of this paragraph on the date on which he retired,

whichever is the greater.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and—

(a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under this Schedule before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule ; or

(b) if the amount of compensation he has already received under this Schedule exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

Transfer to
other public
service.

7.—(1) This paragraph applies to an entitled officer and to an officer to whom paragraph 10 of this Schedule applies who is transferred from the public service—

(a) to the service of a government or authority that is a Scheduled Government for the purposes of Part III of the European Officers' Pensions Regulations of Malawi in circumstances in which he remains eligible for the grant of a pension under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be, upon his eventual retirement ; or

(b) to service in the office of Governor in such circumstances that he is or may become eligible for a pension under the Governors' Pensions Act 1957(a) :

Provided that—

(a) it does not apply to an officer to whom paragraph 6 of this Schedule applies ;

(b) it applies to any officer—

(i) who but for the provisions of paragraph 1(3) of this Schedule, would be an entitled officer ; and

- (ii) who in the opinion of the appropriate Service Commission, would have had a reasonable prospect of becoming an entitled officer if no constitutional changes had been introduced ; and
- (iii) who unless prevented by circumstances beyond his control, serves for a period of not less than two years residential service beginning on the operative date ; and
- (iv) who returns to pensionable employment under the Government of the United Kingdom in a public office as defined in the Superannuation Act 1892,

as if he were an entitled officer.

(2) An officer to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or 10 of this Schedule, as the case may be, but if the amount of his annual pensionable emoluments immediately before his transfer exceeds the amount of the annual emoluments payable to him immediately after his transfer (being emoluments that may be taken into account for the purposes of his pension under the law or regulations relating to his service in that other public service) he shall be entitled to compensation equal to—

(a) the amount of the excess multiplied by the appropriate factor ;
or

(b) the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule, having retired on the date of his transfer,

whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and—

(a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule ; or

(b) if the amount of compensation which has already been received under that paragraph exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

(4) In this paragraph “the appropriate factor” in relation to an officer means the factor obtained from Table III of the Annex to this Schedule that is appropriate to the age of the officer at the date of his transfer reckoned in completed years and completed months.

8.—(1) If an entitled officer who has given an undertaking for the purposes of paragraph 3(1)(a) of this Schedule ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death, his retirement in circumstances beyond his control or his transfer to other public service in the circumstances described in paragraph 7 of this Schedule, then the amount of compensation to which he would otherwise be entitled under paragraph 2 of this Schedule shall be reduced by an amount equal to one-half per centum for each month or part of a month during that period in which he has not served in accordance with the undertaking, or two hundred pounds, whichever is the less.

Penalties
for breach
of under-
takings.

(2) If an entitled officer has been granted promotion in the public service after the operative date upon his giving an undertaking to serve upon such conditions as may be prescribed by the appropriate Service Commission for any period ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death or his retirement in circumstances beyond his control, then the amount of compensation to which he is entitled under paragraph 2 of this Schedule shall, notwithstanding any other provision of this Schedule, be calculated as if his annual pensionable emoluments on the date taken for calculation were equal to his annual pensionable emoluments immediately before his promotion or were equal to the average of his annual pensionable emoluments during the three years immediately preceding his so ceasing to serve, whichever is the greater; and in determining the average of such pensionable emoluments the provisions of the appropriate law relating to the determination of the average of annual pensionable emoluments for the purposes of pension (other than proviso (ii) to Regulation 18(1)(c) of the European Officers' Pensions Regulations of Malawi) shall be applied; and in the case of a judge of the High Court promoted to that office after the commencement of this Order on the basis that the appropriate factor is that obtained from Table I of the Annex to this Schedule.

(3) If any of the provisions of this paragraph become applicable to any entitled officer, his compensation shall be reassessed accordingly and paid in accordance with paragraph 3 of this Schedule and if the amount of compensation he has already received under that paragraph exceeds the amount of compensation to which he is entitled under the reassessment the excess shall forthwith become repayable.

Retirement to facilitate constitutional changes.

9.—(1) This paragraph applies—

(a) to any officer in the public service who has been declared by the appropriate Service Commission to be an officer required before the operative date to retire to facilitate the reconstitution of the Government and who retired accordingly between 10th May 1963 and the operative date; and

(b) to any entitled officer who is declared by the appropriate Service Commission to be an officer required to relinquish the duties of his office and thereafter to retire in order to facilitate the introduction of constitutional changes.

(2) An officer to whom this paragraph applies shall retire at the expiration of the period of leave of absence for which he is eligible:

Provided that if the period of leave of absence on full pensionable emoluments for which he is eligible is less than six months he shall be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence up to six months and shall retire at the expiration of that additional leave of absence.

(3) (a) An officer to whom sub-paragraph (1)(a) of this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies) be entitled to and shall forthwith be paid compensation equal to the amount he would be entitled to if he were entitled to compensation under that paragraph; and

(b) the compensation of an entitled officer to whom sub-paragraph (1)(b) of this paragraph applies and to whom paragraph 16 of this

Schedule does not apply shall forthwith be finally assessed and paid to him:

Provided that, for the purposes of calculating the compensation to which an officer to whom this paragraph applies is entitled, the date to be taken for calculation shall be such date (not being earlier than the operative date or, in the case of an officer who was, before the operative date, notified that he would be required to retire, the date on which he was so notified or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) An officer to whom this paragraph applies shall forthwith be paid a disturbance grant equal to one-quarter of his annual pensionable emoluments at his retirement.

(5) An officer to whom this paragraph applies shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service, having attained the age of fifty-five years and having completed a final tour of residential service.

(6) The provisions of paragraphs 5, 11, 12, 15 and 16 of this Schedule shall apply to an officer to whom sub-paragraph (1)(a) of this paragraph applies as if that officer were an entitled officer.

10.—(1) This paragraph shall apply to an officer in the public service who has before the operative date been given permission to retire from the public service by the appropriate Service Commission on the ground that his retirement will enable a qualified local candidate to be appointed to an office in the public service, or that that officer has been superseded for promotion by a local officer in pursuance of the policy of the Government of giving preference to local officers in respect of promotion.

Voluntary
retirement on
permission
given before
operative
date.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies), on the date upon which he was given permission to retire by the appropriate Service Commission, be entitled to compensation calculated by multiplying the amount of his annual pensionable emoluments on the date to be taken for calculation by the appropriate factor and the resulting amount or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled.

(3) For the purposes of this paragraph the date to be taken for calculation shall be such date (not being earlier than the date upon which the officer was given permission to retire by the appropriate Service Commission or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) Subject to the provisions of paragraph 13 of this Schedule, the compensation to which an officer to whom this paragraph applies becomes entitled under this paragraph shall be paid to him in the manner following, that is to say—

(a) a payment to be made at least three months before the date upon which such officer departs from Malawi on leave of absence pending retirement, which payment shall be an amount equal to the amount of compensation to which the officer is entitled or if that amount exceeds one thousand pounds then one-sixth of the amount of that compensation or one thousand pounds, whichever is the greater ;

(b) a second payment to be made to every such officer who has not already received the whole of that compensation, at the expiration of six months from the date upon which his leave of absence pending retirement commenced, and further payments on the first, second, third and fourth anniversaries of the date upon which the second payment was made, which—

(i) in the case of the second payment and the payment made on the first, second or third anniversary shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(ii) in the case of the payment made on the fourth anniversary, shall be equal to the balance of compensation then outstanding:

Provided that—

(a) where the balance of compensation outstanding at the date when the second payment is due to be made or upon the first, second or third anniversary of that date exceeds five hundred pounds an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid; and

(b) where the balance so outstanding is less than five hundred pounds an amount equal to that balance shall be paid.

(5) In this paragraph—

(a) “the appropriate factor” has the same meaning as in paragraph 2 of this Schedule;

(b) “the appropriate fraction”—

(i) in relation to the second payment means one-fifth;

(ii) in relation to the first anniversary means one-quarter;

(iii) in relation to the second anniversary means one-third; and

(iv) in relation to the third anniversary means one-half.

(6) Subject to the provisions of paragraph 13 of this Schedule, if an officer to whom this paragraph applies does not retire from the public service in accordance with the permission given to him by the appropriate Service Commission he shall cease to be entitled to compensation under this paragraph and any compensation that may have been paid to him under the provisions of sub-paragraph (4) of this paragraph shall be repaid by him to the Government.

(7) The provisions of paragraphs 4(6)(a)(ii), 5, 11, 12, 13, 15 and 16 of this Schedule shall apply in relation to an officer to whom this paragraph applies as if that officer were an entitled officer.

Grant of
pensions
and
gratuities.

11.—(1) Subject to the provisions of paragraphs 16 and 17 of this Schedule, an entitled officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised before the date of retirement or, in the case of an officer to whom paragraph 4(4) of this Schedule applies, within one month after that date) either—

(a) a pension of such amount as may be granted under the appropriate law;

(b) a reduced pension equal to such fraction as he may desire of the pension that may be granted under the appropriate law (not being, in the case of an officer who retires within twelve years of the operative date, less than the permitted fraction) together with a gratuity equal to the annual amount of the remaining fraction of that pension multiplied by the appropriate factor;

or

(c) in the case of an officer who retires not less than twelve years after the operative date, a gratuity equal to the annual amount of the pension that may be granted under the appropriate law multiplied by the appropriate factor.

(2) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension ; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(3) Where an officer retires by reason of injury or ill health in circumstances in which he could under the appropriate law be granted an additional pension the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law included references to that additional pension.

(4) Where an officer to whom this paragraph applies retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected in circumstances in which he could under the appropriate law be granted an additional pension, the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law did not include references to that additional pension.

(5) For the purposes of this paragraph the amount of the pension or gratuity that an officer who is required to retire in the circumstances described in paragraph 4(4)(c) or (e) or paragraph 9 of this Schedule or before attaining the age of fifty-five years or in the case of a judge of the High Court, sixty-two years may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(6) If an officer has not exercised the option conferred upon him by sub-paragraph (1) of this paragraph within the period in which it is required to be exercised he shall be deemed to have opted for the grant of a pension of such amount as may be granted under the appropriate law.

(7) In this paragraph—

“ the appropriate factor ” in relation to an officer means the factor obtained from Table IV of the Annex to this Schedule that is appropriate to the age of that officer on the date immediately prior to his retirement reckoned in completed years and completed months ;

“ the permitted fraction ”—

(a) in relation to an officer who retires within one year of the operative date, means three-quarters ;

(b) in relation to an additional pension granted on account of injury under regulation 23(1)(ii) of the European Officers' Pensions Regulations of Malawi, means three-quarters ; and

(c) subject to head (b) of this definition, in relation to an officer who retires within not less than one and not more than twelve years of the operative date, means such fraction as is obtained by subtracting one-sixteenth for each complete year of his pensionable service after the operative date from three-quarters:

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement, leave of absence granted in respect of service prior to the operative date the enjoyment of which had on the operative date been deferred shall not be taken into account.

Special
gratuity for
certain
officers.

12.—(1) Subject to the provisions of paragraphs 16 and 17 of this Schedule, where any entitled officer to whom Part III of the European Officers' Pensions Regulations of Malawi applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 11 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

(a) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by the Scheduled Government; and

(b) multiplying the resulting amount by the appropriate factor, exceeds the amount of the gratuity granted to him by the Scheduled Government.

(2) Subject to the provisions of paragraphs 16 and 17 of this Schedule, where an entitled officer to whom the provisions of the Oversea Superannuation Scheme (Consolidation) Regulations apply retires under this Schedule and is granted under those Regulations a pension and a lump sum—

(a) he may be granted a gratuity equal to the amount produced by subtracting that lump sum from the sum arrived by multiplying by the appropriate factor one-quarter of the annual amount of the pension he would have received if his pension had been calculated under the European Officers' Pensions Ordinance of Malawi; and

(b) he may be granted (in addition to any gratuity that may be granted to him under head (a) of this sub-paragraph) at his option—

(i) on assigning to the Government a part of the annual amount of the pension granted to him under those Regulations (not being in the case of an officer who retires within twelve years of the operative date, more than the permitted fraction); or

(ii) in the case of an officer who retires not less than twelve years after the operative date, on assigning the whole of the annual amount of such pension,

a gratuity equal to the amount of his pension so assigned multiplied by the appropriate factor; such option to be exercised before the date of retirement or, in the case of an officer to whom sub-paragraph (4) of paragraph 4 of the Schedule applies, within one month after that date.

(3) In this paragraph—

“the appropriate factor” has the same meaning as in paragraph 11 of this Schedule ;

“the permitted fraction”—

(a) in relation to an officer who retires within not less than one year but within two years of the operative date, means one-twelfth ;

(b) in relation to an officer who retires within not less than two years of the operative date, means the fraction obtained by adding one-twelfth for each completed year of his pensionable service after the operative date to one-twelfth :

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement leave of absence granted in respect of service prior to the operative date enjoyment of which had on the operative date been deferred shall not be taken into account.

13.—(1) Whenever—

(a) a person who has become entitled to compensation under paragraph 2 or paragraph 10 of this Schedule but who has not already received the whole of that compensation (and in the case of an entitled officer whether he is still serving as such or has already retired) attains the age of fifty-five years or, in the case of a person who is or was when he retired a judge of the High Court, sixty-two years, or dies before attaining that age ;

(b) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 retires in the circumstances described in paragraph 4(4)(a), (c) or (d) of this Schedule before he has attained that age or is required to retire in the circumstances described in paragraph 4(4)(b) of this Schedule ; or

(c) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 or paragraph 10 of this Schedule retires in any other circumstances before he has attained that age but on or after the fifth anniversary of the operative date or, in the case of a person who became an entitled officer after that date, of the date on which he became an entitled officer,

the balance then outstanding of the compensation to which he is entitled shall be paid to that person or, if that person is dead, to his personal representatives.

(2) Whenever an entitled officer, who has not already received the whole of the compensation to which he is entitled under paragraph 2 of this Schedule, is required to retire under section 11 of the Malawi Independence Order 1964 before attaining the age of fifty-five years, the balance then outstanding of the compensation to which he is entitled under that paragraph shall be paid to him—

(a) if notice requiring him to retire is given to him while he is engaged upon a tour of residential service, before his departure from Malawi ; or

(b) if such notice is given to him while on leave of absence after completing a tour of residential service, as soon as possible after the date upon which such notice is given to him.

Special provisions as to compensation.

(3) The Secretary to the Treasury may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Secretary to the Treasury may think fit.

(4) Whenever any payment of compensation becomes due under paragraph 3, paragraph 9(1)(b) or paragraph 10 of this Schedule, interest at the rate of five per centum per annum shall accrue from day to day—

(a) in cases where the compensation has not been finally assessed, during the period between the date by reference to which the amount of the compensation was last assessed and the date by reference to which the next following assessment is to be made ;

(b) in cases where the compensation has been finally assessed, during the period between the date on which that payment of compensation became due and the date on which the next following payment of compensation will become due,

upon any part of the compensation that did not then become payable and that interest shall become payable at the end of the period during which it accrued :

Provided that in the case of compensation payable under paragraph 10 of this Schedule the period during which interest accrues shall begin at the date upon which the first payment of compensation becomes payable under paragraph 10(4)(a) of this Schedule or the date on which the officer was given permission to retire under that paragraph, whichever is the later.

Disciplinary proceedings and dismissal.

14.—(1) When disciplinary proceedings are taken, or are about to be taken, against any person who is serving as an entitled officer and those proceedings might lead to his dismissal, the payment of compensation under this Schedule and interest thereon shall be withheld pending the determination of those proceedings.

(2) Where any person who is serving as an entitled officer is dismissed, any compensation that he has not already received may, with the approval of the appropriate Service Commission, be withheld.

Place of payment and rate of exchange.

15. Any compensation, gratuity or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries—

(a) in the United Kingdom ;

(b) in Malawi ;

(c) in the country from which the officer was recruited or where he intends to reside ;

(d) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside ; or

(e) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the Secretary to the Treasury, select,

in the currency of the country in which payment is to be made ; and,

where payment is to be made in a country other than Malawi, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in sterling of the compensation, gratuity or interest as calculated at the official rate of exchange prevailing on the operative date.

16.—(1) An entitled officer who, before he receives his initial payment of compensation, gives notice of retirement under paragraph 4 of this Schedule, or is required to retire under section 11 of the Malawi Independence Order 1964 or paragraph 9(1)(b) or 10 of this Schedule may at his option (such option to be exercised within three months of the commencement of this Order or, in the case of an officer who was not an entitled officer on the operative date, within three months of the date on which he became an entitled officer) become an officer to whom this paragraph applies.

Right to opt for abolition terms.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under this Schedule or be granted a pension or gratuity under this Schedule but, subject to the provisions of paragraph 17 of this Schedule may, on his retirement under this Schedule, be granted such benefits as may be granted under the appropriate law to an officer whose office has been abolished.

(3) An officer to whom this paragraph applies shall repay the amount of any compensation that may have been paid to him.

17. The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law:

Application of appropriate law.

Provided that section 10 of the European Officers' Pensions Ordinance of Malawi or any law amending or replacing that section shall not apply in relation to any pension granted under the provisions of this Schedule.

18. Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Malawi relating to the taxation of incomes or imposing any other form of taxation.

Exemption from tax.

19. Any option exercisable by any person for the purposes of this Schedule—

Exercise of options.

- (a) shall be irrevocable after the end of the period within which it is to be exercised ;
- (b) shall be exercised by notice in writing to the appropriate Service Commission ;
- (c) shall be deemed to have been exercised on the date on which the notice is received :

Provided that the appropriate Service Commission may, if it thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM
TABLE I

- I. Read off from the table the factors for officer's age at his last birthday and his—
 - (a) completed years of service,
 - (b) completed years of service plus one year.
- II. Subtract I(a) from I(b), divide the difference by twelve and multiply the result by the number of completed months of service, if any, in excess of the completed years of service.
- III. Add I(a) and II.
- IV. Repeat steps to III for the officer's age at his next birthday.
- V. Divide the difference between III and IV by twelve and multiply by the number of completed months of age, if any, since the officer's last birthday.
- VI. If IV is greater than III, add V to III.
If IV is less than III subtract V from III.
VI is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM
TABLE II, III OR IV

- I. Read off from the Table the factors for the officer's age—
 - (a) at his last birthday;
 - (b) at his next birthday.
- II. Divide the difference between I(a) and I(b) by twelve and multiply by the number of completed months of age since the last birthday.
- III. If I(b) is greater than I(a), add II to I(a).
If I(b) is less than I(a), subtract II from I(a).
III is the factor required.

In calculating factors by interpolation in respect of Tables I to IV the calculations should be taken to three places of decimals.

TABLE I
THE SCHEDULE, PARAGRAPHS 2, 8(2) AND 10

AGE OF OFFICER	FACTOR WHEN LENGTH OF SERVICE IS								
	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
21	.11	.16							
22	.12	.19	.25						
23	.14	.21	.28	.36					
24	.16	.24	.32	.40	.49				
25	.18	.27	.36	.46	.55	.64			
26	.20	.31	.41	.51	.61	.71	.82		
27	.23	.34	.46	.57	.68	.80	.91	1.03	1.14
28	.25	.38	.51	.64	.76	.89	1.02	1.14	1.27
29	.29	.43	.57	.72	.86	1.00	1.14	1.29	1.43
30	.33	.49	.66	.82	.98	1.15	1.31	1.48	1.64
31	.38	.57	.76	.95	1.14	1.33	1.52	1.71	1.90
32	.44	.66	.88	1.10	1.33	1.55	1.77	1.99	2.21
33	.51	.77	1.03	1.28	1.54	1.80	2.06	2.31	2.57
34	.59	.88	1.18	1.48	1.77	2.06	2.36	2.66	2.95
35	.66	.99	1.32	1.65	1.98	2.31	2.64	2.97	3.30
36	.72	1.09	1.45	1.81	2.17	2.53	2.90	3.26	3.62
37	.78	1.17	1.56	1.94	2.33	2.72	3.11	3.50	3.89
38	.82	1.22	1.63	2.04	2.45	2.86	3.26	3.67	4.08
39	.84	1.26	1.68	2.10	2.52	2.94	3.36	3.78	4.20
40	.85	1.28	1.70	2.12	2.55	2.98	3.40	3.82	4.25
41	.85	1.28	1.71	2.14	2.56	2.99	3.42	3.84	4.27
42	.84	1.27	1.69	2.11	2.53	2.95	3.38	3.80	4.22
43	.82	1.22	1.63	2.04	2.45	2.86	3.26	3.67	4.08
44	.77	1.16	1.55	1.94	2.32	2.71	3.10	3.48	3.87
45	.72	1.08	1.44	1.80	2.17	2.53	2.89	3.25	3.61
46	.66	1.00	1.33	1.66	1.99	2.32	2.66	2.99	3.32
47	.61	.91	1.21	1.52	1.82	2.12	2.42	2.73	3.03
48	.55	.82	1.10	1.37	1.64	1.92	2.19	2.47	2.74
49	.49	.73	.98	1.22	1.46	1.71	1.95	2.20	2.44
50	.43	.64	.85	1.06	1.28	1.49	1.70	1.92	2.13
51	.36	.54	.72	.90	1.08	1.26	1.44	1.62	1.80
52	.29	.43	.57	.72	.86	1.00	1.14	1.29	1.43
53	.20	.30	.40	.50	.60	.70	.80	.90	1.00
54	.10	.15	.20	.25	.30	.35	.40	.45	.50
55 and above	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL

TABLE II
THE SCHEDULE, PARAGRAPHS 2 AND 10

AGE OF OFFICER	FACTOR	AGE OF OFFICER	FACTOR
40	3·89	55	2·48
41	4·07	56	2·26
42	4·19	57	2·03
43	4·25	58	1·76
44	4·27	59	1·42
45	4·24	60	1·00
46	4·16	61	·50
47	4·04	62	NIL
48	3·89	and above	
49	3·73		
50	3·55		
51	3·35		
52	3·14		
53	2·92		
54	2·70		

NOTE.—These factors apply where the judge has at least ten years service.

TABLE III
THE SCHEDULE, PARAGRAPH 7

AGE	FACTOR
30 and below	5·00
31	5·08
32	5·21
33	5·47
34	5·90
35	6·56
36	7·44
37	8·10
38	8·53
39	8·79
40	8·92
41	9·00
42	8·92
43	8·77
44	8·40
45	7·61
46	6·39
47	5·60
48	5·23
49	5·08
50 and above	5·00

TABLE IV

THE SCHEDULE, PARAGRAPHS 11 AND 12

AGE OF OFFICER	FACTOR	AGE OF OFFICER	FACTOR
25 or under	17·08	40	15·07
26	16·97	41	14·90
27	16·86	42	14·73
28	16·74	43	14·55
29	16·62	44	14·36
30	16·50	45	14·17
31	16·38	46	13·97
32	16·25	47	13·76
33	16·12	48	13·54
34	15·98	49	13·32
35	15·84	50	13·08
36	15·70	51	12·84
37	15·55	52	12·59
38	15·40	53	12·50
39	15·24	54	12·50

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for compensation and retiring benefits for certain officers in the public service of Malawi.

1964 No. 918

AFRICA

The Malawi (African Trust Land) (Modification) Order 1964

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	Immediately before 6th July 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and
commence-
ment.

1.—(1) This Order may be cited as the Malawi (African Trust Land) (Modification) Order 1964 and shall be construed as one with the Nyasaland Protectorate (African Trust Land) Orders in Council 1950 to 1963(b).

(2) This Order shall come into operation immediately before 6th July 1964.

Amendment
of section 1
of Order
of 1950.

2. Section 1(1) of the Nyasaland Protectorate (African Trust Land) Order in Council 1950(c) (hereinafter referred to as "the principal Order") (as amended by section 2 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955(d) and section 2 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1956(e)) is amended—

(a) by the deletion from the definition of the expression "certificate of claim" of the words "has been recognised by a Secretary of State" and the substitution of the words "was recognised by one of Her Majesty's principal Secretaries of State in the United Kingdom";

(b) by the deletion of the definition of the expression "the Fund";

(c) by the deletion from the definition of the expression "the Gazette" of the words "the Nyasaland Protectorate" and the substitution of the word "Malawi";

(d) by the deletion of the definition of the expression "the Governor" and the substitution of the following definition—

" 'the Governor' means the Governor of the former Nyasaland Protectorate and includes any person who was for the time being lawfully acting in or performing the functions of that office " ;

(a) 53 & 54 Vict. c. 37. (b) S.I. 1950/1183, 1955/1215, 1956/232, 1961/999, 1962/635, 2182, 1963/884, 1926 (1950 II, p. 156; 1955 II, p. 2216; 1956 II, p. 1994; 1961 II, p. 1928; 1962 I, p. 646; III, p. 2960; 1963 II, p. 1487; III, p. 3781). (c) S.I. 1950/1183 (1950 II, p. 156). (d) S.I. 1955/1215 (1955 II, p. 2216). (e) S.I. 1956/232 (1956 II, p. 1994).

(e) by the insertion, immediately after the definition of the expression "minerals", of the following definition—

" 'the Minister' means the Minister of the Government of Malawi to whom responsibility for land is for the time being assigned " ;

(f) by the deletion of the definition of the expression "the Protectorate" ;

(g) by the insertion, in the definition of the expression "public land", at the end of paragraph (a), of the words "or otherwise acquired by the Government of Malawi" ;

(h) by the deletion of the definition of the expression "treasury".

3. Section 5 of the principal Order is revoked and the following section is substituted—

5.—(1) All African trust land is hereby vested in the Governor-General.

" Vesting of African trust land.

Substitution of section 5 of Order of 1950.

(2) The entire property in and control of minerals in, under or upon any African trust land are, save in so far as any part thereof may have been the subject of alienation duly ratified by the Crown, or in relation to which prospecting or mining rights subsist by virtue of express grant made under any law relating to mines or minerals, hereby vested in the Governor-General, and shall be administered and controlled for the use or common benefit, direct or indirect, of Africans, but nothing contained in this Order or in any regulations made thereunder shall affect any grant ratified by the Crown relating to the ownership of mines or minerals, and any person entitled to the exercise of such rights on African trust land may enter thereon together with other persons employed by him for the purpose of exercising such rights subject to the provisions of the laws and regulations for the time being in force in Malawi."

4. Section 6 of the principal Order is amended—

(a) by the deletion from subsection (1) of the word "Governor" wherever it occurs and the substitution of the word "Minister" and by the deletion of the words "to the general or special directions of a Secretary of State" ;

Amendment of section 6 of Order of 1950.

(b) by the insertion in subsection (2), immediately after the words "existing Orders or", of the words "by the Governor or the Minister".

5. Section 7 of the principal Order (as amended by section 4 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955) is amended—

Amendment of section 7 of Order of 1950.

(a) by the deletion of the word "Governor" wherever it occurs and the substitution of the word "Minister" ;

(b) by the deletion from paragraph (b) of the proviso to subsection (1) of the words "without the special sanction of a Secretary of State" ;

(c) by the deletion from subsection (4) of the words "In the event of any difference of opinion the matter shall be referred for decision to the Secretary of State."

6. Section 8 of the principal Order (as set out in section 5 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955) is amended—

Amendment of section 8 of Order of 1950.

(a) by the deletion of the word "Governor" wherever it occurs and the substitution of the word "Minister";

(b) by the deletion of subsection (2).

Substitution of section 9 of Order of 1950.

7. Section 9 of the principal Order is revoked and the following section is substituted—

"Proceeds of disposal of African trust land.

9. When any grant, disposition, permit or licence of or in respect of African trust land has been made or given by the Governor or the Minister under section 7 of this Order, all moneys payable under the terms of such grant, disposition, permit or licence shall be paid into the general revenue of Malawi."

Amendment of section 10 of Order of 1950.

8. Section 10 of the principal Order (as set out in section 6 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955) is amended—

(a) by the insertion after the word "Governor", where it first occurs in subsection (1), of the words "or the Minister";

(b) by the deletion of the word "Governor", wherever it occurs elsewhere in subsection (1) or in subsection (2), and the substitution of the word "Minister".

Amendment of section 11 of Order of 1950.

9. Section 11 of the principal Order (as amended by section 7 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955 and section 2 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1961(a)) is amended by the deletion of the word "Governor" and the substitution of the word "Minister".

Amendment of section 11A of Order of 1950.

10. Section 11A of the principal Order (as inserted by section 8 of the Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council 1955) is amended by the deletion of the word "Governor" and the substitution of the word "Minister".

Amendment of section 12 of Order of 1950.

11. Section 12 of the principal Order is amended by the deletion of the word "Governor" and the substitution of the words "Governor-General" and by the deletion of the words "with the approval of the Secretary of State".

Amendment of section 13 of Order of 1950.

12. Section 13 of the principal Order is amended—

(a) by the deletion of the words "Governor" and "Governor's" and the substitution, respectively, of the words "Minister" and "Minister's";

(b) by the deletion of the words "subject to the general or special directions of a Secretary of State".

Revocation of section 14 of Order of 1950.

13. Section 14 of the principal Order is revoked.

Construction of references to the Protectorate in Order of 1950.

14. References in the principal Order to "the Protectorate" shall be construed as references to "Malawi".

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order modifies the Nyasaland Protectorate (African Trust Land) Orders in Council 1950 to 1963 with effect from 6th July 1964 (the date upon which the Nyasaland Protectorate becomes an independent sovereign state under the name of Malawi) so as to vest African Trust land in the Governor-General, to transfer the power of disposition of that land from the Governor to the responsible Minister, and to make such other amendments as will make the provisions of the Order consistent with the constitutional arrangements which will come into operation on that day.

1964 No. 919

AFRICA

**The Northern Rhodesia (Constitution) (Amendment)
Order 1964**

<i>Made</i>	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her vested is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement. 1.—(1) This Order may be cited as the Northern Rhodesia (Constitution) (Amendment) Order 1964 and this Order and the Northern Rhodesia (Constitution) Order in Council 1963(b) may be cited together as the Northern Rhodesia (Constitution) Orders in Council 1963 and 1964.

(2) This Order shall be construed as one with the Northern Rhodesia (Constitution) Order in Council 1963.

(3) This Order shall come into operation on 30th June 1964.

Amendment of section 106 of Constitution. 2. Section 106(2) of the Constitution is amended by the deletion from paragraph (a) of the words "Assistant Inspector Grade I" and the substitution of the words "Assistant Superintendent" and by the deletion from paragraph (b) of the words "Prison Officer" and the substitution of the words "Superintendent of Prisons".

Amendment of section 107 of Constitution. 3. Section 107 of the Constitution is amended—

(a) by the deletion of subsection (1) and the substitution of the following subsection—

"(1) Power to appoint persons to hold or act in any office in the Northern Rhodesia Police Force (including power to confirm appointments) below the rank of Assistant Superintendent, and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Commissioner of Police and, to such extent as may be prescribed by the Legislature of Northern Rhodesia, in such other officers of that Force as may be so prescribed." ;

(b) by the deletion of subsection (2) ;

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1963/2088 (1963 III, p. 4532).

(c) by the deletion from subsection (3) of the words " or of any officer to whom the powers of the Commissioner are delegated under subsection (2) of this section " and the substitution of the words " or of any officer or officers prescribed under subsection (1) of this section."

4. Section 108 of the Constitution is amended—

(a) by the deletion of paragraph (a) and the substitution of the following paragraph—

" (a) references to any office below the rank of Assistant Superintendent were references to any office below the rank of Superintendent of Prisons ; " ; and

(b) by the deletion from paragraph (c) of the words " subsections (2) and (3) " and the substitution of the words " subsection (1) ".

Amendment
of section
108 of Con-
stitution.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Constitution of Northern Rhodesia set out in the Northern Rhodesia (Constitution) Order in Council 1963 so as to alter the respective responsibilities of the Police and Prison Service Commission and officers of the Police Force and Prison Service for the appointment, discipline and removal of lower ranks in the Police Force or the Prison Service.

1964 No. 920

ARABIA

The Protectorate of South Arabia Order 1964

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas the territories previously known as the Aden Protectorate have, since the 18th day of January 1963, been known as the Protectorate of South Arabia :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act 1890^(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Protectorate of South Arabia Order 1964 and shall be construed as one with the Aden Protectorate Orders 1937 to 1962^(b).

(2) The Aden Protectorate Orders 1937 to 1962 and this Order may be cited together as the Protectorate of South Arabia Orders 1937 to 1964.

(3) This Order shall come into operation on 30th June 1964.

Amendment
of section 2
of Order of
1937.

2. Section 2 of the Aden Protectorate Order 1937^(c) is amended by the insertion after the words " This Order shall apply to " of the words " the Protectorate of South Arabia, that is to say, ".

Amendment
of section
3(1) of Order
of 1937.

3. Section 3(1) of the Aden Protectorate Order 1937 is amended by the deletion of the definition of " the Protectorate " and the substitution of the following definition:—

" the Protectorate " means the Protectorate of South Arabia '.

Replacement
of section 9
of Order of
1937.

4. For section 9 of the Aden Protectorate Order 1937 there is substituted the following section:—

"Jurisdiction 9.—(1) The Supreme Court of Aden and all Courts of Aden inferior to the Supreme Court shall, subject to the provisions of any rule or order made under subsection (2) of section 7 of this Order, have jurisdiction—

(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1937/246, 1940/1276 (Rev. VIII, p. 148: 1937, p. 750; 1940 I, p. 397); S.I. 1953/1563, 1956/1205, 1962/2178 (1953 I, p. 1; 1956 I, p. 52; 1962 III, p. 2948). (c) S.R. & O. 1937/246 (Rev. VIII, p. 148: 1937, p. 750).

(a) in all matters arising in the Protectorate under any such Act, Order, Rule, Regulation or other enactment as is referred to in subsection (1) of section 7 of this Order or any rule or order made under subsection (2) of that section; and

(b) in all other matters arising in the Protectorate, being matters in which any person not being a native of the Protectorate is concerned,

in the same manner and to the same extent as if such matters had arisen in Aden.

(2) Any Court of Aden referred to in subsection (1) of this section may, in the exercise of the jurisdiction conferred on it by that subsection, sit in the Protectorate.”

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Aden Protectorate Order 1937 to take account of the fact that the territories previously known as the Aden Protectorate have, since 18th January 1963, been known as the Protectorate of South Arabia. It also amends the provisions of the Order relating to jurisdiction in the Protectorate of the Courts of Aden.

1964 No. 921

**CARIBBEAN AND NORTH ATLANTIC
TERRITORIES**

The British Guiana (Constitution) Order 1964

Laid before Parliament in draft

Made - - - - 23rd June 1964

*Coming into Operation On a day to be
appointed under
s. 1(1)*

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas a copy of the draft of the following Order was laid before each House of Parliament on the twenty-fifth day of March 1964 ;

And Whereas during a period of forty days beginning with that day and reckoned for the purposes of section 6 of the Statutory Instruments Act 1946(a), neither House has resolved that the draft be not submitted to Her Majesty in Council ;

Now, therefore, Her Majesty, by virtue and in exercise of Her powers under the British Guiana Act 1928(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation,
commence-
ment and
construction.

1.—(1) This Order may be cited as the British Guiana (Constitution) Order 1964, and shall come into operation on such date as the Governor, acting in his discretion, may by proclamation published in the *Gazette* appoint.

(2) This Order shall be construed as one with the British Guiana (Constitution) Order in Council 1961(c) (hereinafter referred to as "the principal Order") and this Order and that Order may be cited together as the British Guiana (Constitution) Orders 1961 and 1964.

Amendment
of
Constitution
of British
Guiana.

2. The Constitution set out in the Annex to the principal Order is amended as follows—

(a) Part IV is deleted and the Part set out in Schedule 1 to this Order is substituted ; and

(b) the provisions specified in the first column of Schedule 2 to this Order are amended in the manner specified in the second column of that Schedule.

Transitional
provisions.

3.—(1) The provisions of the principal Order, as amended by this Order, shall have effect as if the Legislature had been dissolved at the commencement of this Order.

(2) The provisions of the principal Order shall, until the House of Assembly first meets, continue to apply in relation to the persons holding office as Ministers or Parliamentary Secretaries immediately before the commencement of this Order as if this Order had not been

made; and any person who holds office as a Minister or a Parliamentary Secretary when that House first meets shall thereupon vacate his office.

(3) Any regulations made under the British Guiana (Registration) Order 1964(a) and in force immediately before the commencement of this Order shall have effect as if they were regulations made under article 47 of the Constitution set out in the Annex to the principal Order as amended by this Order; and the aforesaid Order of 1964 shall cease to have effect at the commencement of this Order.

(4) (a) Any of the powers conferred on the Legislature by the following provisions of the Constitution set out in Schedule 1 to this Order, that is to say article 50(1)(b), (f), (g) and (h), article 50(2), article 51(2)(d), article 66 and article 70, shall until it has been exercised by the Legislature be exercisable by the Governor by regulations made by him in his discretion and the references in those provisions to laws of the Legislature shall be construed accordingly.

(b) Regulations made under this subsection may be revoked or amended by a law of the Legislature.

W. G. Agnew.

SCHEDULE 1

"PART IV—THE LEGISLATURE

The House of Assembly

Section 2.

46. There shall be, for British Guiana, a House of Assembly.

Establishment of House of Assembly.

47.—(1) Subject to paragraph (2) of this article, the House of Assembly shall consist of fifty-three members.

Composition of House of Assembly.

(2) For the purpose of returning the said fifty-three members to the House of Assembly British Guiana shall form a single electoral area and the said members shall be elected in accordance with such system of proportional representation, and otherwise in such manner, as may be provided by regulations made by the Governor.

(3) Any regulations made under this article may charge upon the revenues or public funds of British Guiana any expenditure incurred for the purposes of any such regulation and the Governor may, by warrant under his hand, authorise the withdrawal from the public funds of British Guiana of any sum of money certified by such warrant to be required for the purpose of meeting any expenditure so charged.

(4) If any person who is not a member of the House of Assembly is elected to be Speaker of the House he shall, by virtue of holding the office of Speaker, be a member of the House in addition to the fifty-three members aforesaid.

(5) The powers of the Governor under this article shall be exercised by him in his discretion.

48.—(1) Subject to the provisions of paragraph (2) of this article, a person shall be qualified to be registered as an elector for elections to the House of Assembly if, and shall not be so qualified unless, on the qualifying date, he—

Qualifications and disqualifications for electors.

(a) is a British subject of the age of twenty-one years or upwards;

(a) S.I. 1964/492 (1964 I, p. 822).

(b) is resident in British Guiana and either has been so resident for a period of two years immediately before the qualifying date or is domiciled in British Guiana.

(2) No person shall be qualified to be registered as an elector for elections to the House of Assembly who on the qualifying date—

(a) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(b) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in British Guiana ; or

(c) is disqualified for registration by any regulations made under article 47 of this Constitution or by any law of the Legislature by reason of his having committed any offence against any such regulation or any offence against any other law in force in British Guiana relating to offences connected with elections.

(3) In this article “qualifying date” means such date as may be appointed by or under any regulations made under article 47 of this Constitution as the date with reference to which a register of electors shall be compiled or revised.

Qualifica-
tions for
election as
member.

49. Subject to the next following article, a person shall be qualified to be elected as a member of the House of Assembly if, and shall not be qualified to be so elected unless, he—

(a) is a British subject of the age of twenty-one or upwards ;

(b) has resided in British Guiana for a period of two years immediately before such date as may be prescribed by or under any regulations made under article 47 of this Constitution or is domiciled and resident in British Guiana at that date ; and

(c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House.

Disqualifica-
tions for
election as
member.

50.—(1) No person shall be qualified to be elected as a member of the House of Assembly who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ;

(b) is disqualified for membership of the House by any law of the Legislature enacted in pursuance of the next following paragraph ;

(c) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;

(d) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in British Guiana ;

(e) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;

(f) is disqualified for membership of the House by any law of the Legislature by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any electoral register ;

(g) is disqualified for membership of the House by any regulations made under article 47 of this Constitution or by any law of the Legislature by reason of his having committed any offence against any such regulation or any offence against any other law in force in British Guiana relating to offences connected with elections ;

(h) is disqualified for membership of the House by any law of the Legislature by reason of his having any such interest in any such Government contract as may be prescribed by any such law ; or

(i) is disqualified for membership of the House by any regulations made in pursuance of paragraph (3) of this article.

(2) The Legislature may by law provide that, subject to such exceptions and limitations (if any) as may be prescribed therein, a person shall be disqualified for membership of the House of Assembly by virtue of—

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law ;

(ii) his belonging to any of the armed forces of the Crown specified by such law or to any class of person so specified that is comprised in any such force ; or

(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

(3) The Governor, acting in his discretion, may, for the purpose of preventing conduct tending to excite hostility or ill-will against person by reason of their race, make provision by regulation for the definition and trial of offences and the imposition of penalties therefor, including the disqualification of persons concerned in such offences for membership of the House of Assembly or for such other offices or appointments as may be prescribed by such regulations.

51.—(1) Every member of the House of Assembly shall vacate his seat in the House at the next dissolution of the Legislature after his election. Tenure of
office of
members.

(2) A member of the House of Assembly shall also vacate his seat in the House—

(a) if he resigns it by writing under his hand addressed to the Speaker or, if the office of Speaker is vacant or the Speaker is absent from British Guiana, to the Deputy Speaker ;

(b) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House ;

(c) if he ceases to be a British subject ;

(d) subject to the provisions of any law of the Legislature, if he acquires any such interest in any such Government contract as may be prescribed by any such law ; or

(e) subject to the next following paragraph, if any circumstances arise that, if he were not a member of the House, would cause him to be disqualified for election thereto by virtue of sub-paragraph (a), (b), (c), (d), (e), (f), (g) or (i) of paragraph (1) of the last foregoing article.

(3) (a) If circumstances such as are referred to in sub-paragraph (e) of the last foregoing paragraph arise in relation to a member of the House of Assembly by virtue of the fact that he is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the next following sub-paragraph, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member of the House, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(c) If at any time before the member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in sub-paragraph (a) of this paragraph and he may resume the performance of his functions as a member of the House.

Speaker and
Deputy
Speaker.

52.—(1) When the House of Assembly first meets after any election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House; and, if the office of Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected either from among the members of the House of Assembly who are not Ministers or Parliamentary Secretaries or from among persons who are not members of the House:

Provided that a person who is not a member of the House shall not be elected as Speaker if—

(a) he is not a British subject; or

(b) he is a person disqualified for election as a member of the House by virtue of sub-paragraph (a), (c), (d), (e), (f), (g) or (i) of paragraph (1) of article 50 of this Constitution.

(3) If a person elected as Speaker of the House of Assembly is disqualified for election as a member of the Assembly by virtue of sub-paragraph (b) or sub-paragraph (h) of paragraph (1) of article 50 of this Constitution he shall not enter upon the duties of the office of Speaker until he has ceased to be so disqualified, and, if he has not

ceased to be so disqualified at the expiration of seven days after the date of his election as Speaker, he shall thereupon vacate the office of Speaker.

(4) When the House of Assembly first meets after any election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister or a Parliamentary Secretary, to be Deputy Speaker of the House; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of the Legislature, the House shall, as soon as convenient, elect another such member to that office.

(5) A person shall vacate the office of Speaker or Deputy Speaker—

(a) in the case of a Speaker elected from among the members of the House of Assembly or in the case of the Deputy Speaker—

(i) if he ceases to be a member of the House:

Provided that the Speaker shall not vacate his office by reason only that he has ceased to be a member of the House on a dissolution of the Legislature until the House first meets after that dissolution;

(ii) if, by virtue of paragraph (3) of article 51 of this Constitution, he is required to cease to perform any of his functions as a member of the House; or

(iii) if he is appointed to be a Minister or a Parliamentary Secretary;

(b) in the case of a Speaker elected from among persons who are not members of the House—

(i) when the House first meets after any dissolution of the Legislature;

(ii) if he ceases to be a British subject; or

(iii) if any circumstances arise that would cause him to be disqualified for election as a member of the Assembly by virtue of sub-paragraph (a), (b), (c), (d), (e), (f), (g) or (i) of paragraph (1) of article 50, or that, if he were such a member, would cause him to vacate his seat by virtue of sub-paragraph (d) of paragraph (2) of article 51 of this Constitution.

(c) if he announces the resignation of his office to the House or if by writing under his hand addressed, in the case of the Speaker, to the Clerk of the House of Assembly or, in the case of the Deputy Speaker, to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from British Guiana, to the Clerk) he resigns that office; or

(d) in the case of the Deputy Speaker, if he is elected to be Speaker.

(6) There shall be charged on the revenues of British Guiana and paid thereout to the Speaker such salary and allowances as, subject to the next following paragraph, may be prescribed by any law of the Legislature.

(7) The salary of the Speaker and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

Powers and Procedure

53. Subject to the provisions of this Constitution, the Governor may, with the advice and consent of the House of Assembly, make laws for the peace, order and good government of British Guiana.

Power to
make laws.

Standing
Orders.

54. Subject to the provisions of this Constitution, the House of Assembly may make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Governor for assent.

Oath of
allegiance.

55.—(1) No member of the House of Assembly shall be permitted to take part in the proceedings of the House (other than proceedings necessary for the purposes of this article) until he has made and subscribed before the House an oath or affirmation of allegiance in the form set out in the First Schedule to this Constitution:

Provided that the election of a Speaker and Deputy Speaker of the House may take place before the members of the House have made such oath or affirmation.

(2) If, between the time when a person becomes a member of the House of Assembly and the time when the House next sits thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, make and subscribe the oath or affirmation of allegiance before such judge of the Supreme Court as the Governor, acting in his discretion, may direct; and the making and subscribing of the oath in such manner shall suffice for all purposes of this article.

(3) Where any person has made the oath or affirmation of allegiance before a judge in the manner provided in the last foregoing paragraph, the judge shall forthwith report to the House of Assembly through the Speaker that the person aforesaid has made and subscribed the oath of allegiance before him.

Presiding
in House of
Assembly.

56.—(1) The Speaker or, in his absence, the Deputy Speaker or, if they are both absent, a member of the House of Assembly (not being a Minister or a Parliamentary Secretary) elected by the House for that sitting shall preside at each sitting of the House.

(2) References in this article to circumstances in which the Speaker or Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

Voting

57.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the members thereof present and voting.

(2) The Speaker or other member presiding in the House of Assembly shall not vote unless on any question the votes are equally divided, in which case, except as otherwise provided in the next following paragraph, he shall have and exercise a casting vote.

(3) A Speaker elected from among persons who are not members of the House of Assembly shall have neither an original nor a casting vote and if, upon any question before the House when such a Speaker is presiding, the votes of the members are equally divided, the motion shall be lost.

Validity of
proceedings.

58. The House of Assembly shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the House is first constituted or is reconstituted at any time), and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House or otherwise took part in the proceedings.

59.—(1) If at any sitting of the House of Assembly any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum is still not present, the House shall be adjourned.

(2) For the purposes of this article—

- (a) a quorum of the Assembly shall consist of eighteen members of the Assembly ;
- (b) the person presiding at the sitting shall not be included in reckoning whether there is a quorum present.

60.—(1) Subject to the provisions of this Constitution and of the Standing Orders of the House of Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the House, and the same shall be debated and disposed of according to the Standing Orders of the House.

(2) Except on the recommendation of the Governor signified by a Minister, the House of Assembly shall not—

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes—

- (i) for imposing or increasing any tax ;
- (ii) for imposing or increasing any charge on the revenues or other funds of British Guiana or for altering any such charge otherwise than by reducing it ; or
- (iii) for compounding or remitting any debt due to British Guiana ;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid.

61.—(1) If the Governor considers that it is expedient for either of the following purposes, that is to say—

(a) defence, or

(b) the regulation of relations between British Guiana and any other country or any international organisation, including the discharge of any obligation of Her Majesty or Her Majesty's Government in the United Kingdom towards any such country or organisation,

that any Bill introduced, or any motion moved, in the House of Assembly should have effect then, if the House fails to pass such Bill or to carry such motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Constitution or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House either in the form in which it was so introduced or moved or with such amendments as the Governor thinks fit that have been moved or proposed in the House including any committee thereof ; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution shall have effect accordingly.

Quorum.
Introduction of Bills, etc.

Governor's reserved power.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the House of Assembly objects to any declaration made under this article he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any declaration made under this article other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor shall cause notice of such revocation to be published in the *Gazette*; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect, and the provisions of subsection (2) of section 38 of the Interpretation Act 1889(a) shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor by this article shall be exercised by him acting in his discretion.

Introduction of Bills, etc. by message of Governor. **62.**—(1) If the Governor considers that it is expedient for any of the purposes specified in paragraph (1) of the last foregoing article that any Bill or motion should be introduced or moved in the House of Assembly he may, acting in his discretion—

- (a) send by message to the Speaker a draft of such Bill or motion;
- (b) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a request by the Governor made to the Speaker in accordance with sub-paragraph (b) of paragraph (1) of this article is not complied with, the Bill or motion to which the message relates shall be deemed for all purposes to be introduced or moved in the House of Assembly on the date specified in the message.

(3) References in this article to the Speaker include references to the Deputy Speaker where the office of Speaker is vacant or the Speaker is absent from British Guiana.

Assent to Bills.

63.—(1) A Bill shall not become law until—

- (a) the Governor has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent; or
- (b) Her Majesty has given Her assent thereto through a Secretary of State and the Governor has signified such assent by proclamation published in the *Gazette*.

(2) When a Bill has been passed by the House of Assembly, it shall be presented to the Governor, who shall declare that he assents or refuses assent thereto or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that, unless he has been authorised by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to him, acting in his discretion—

- (a) to affect defence ;
- (b) to affect relations between British Guiana and any other country or any international organisation, including the discharge of any obligation of Her Majesty or of Her Majesty's Government in the United Kingdom towards any such country or organisation ;
- (c) to be likely to prejudice the Royal prerogative ; or
- (d) to be in any way repugnant to or inconsistent with the provisions of this Constitution.

64. In every Bill presented to the Governor for assent the words of enactment shall be as follows— Words of enactment.

“Enacted by the Legislature of British Guiana”.

65.—(1) Any law of the Legislature which has been assented to by the Governor and which appears to Her Majesty's Government in the United Kingdom to alter, to the injury of the stockholders, any provision relating to any stock to which this article applies or to involve a departure from the original contract in respect of any such stock, may be disallowed by Her Majesty through a Secretary of State. Power of disallowance in respect of laws relating to British Guiana Government stock.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the *Gazette* and the law shall be annulled with effect from the date of publication of that notice.

(3) On the annulment of any law under this article any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made ; but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section 38 of the Interpretation Act 1889 shall apply to that annulment as they apply to the repeal of an Act of Parliament.

(4) The stock to which this article applies is stock forming the whole or part of the public debt of British Guiana—

- (a) in which a trustee may invest, or might at any time have invested, by virtue of section 2 of the Colonial Stock Act 1900(a) ; or
- (b) by the conditions of issue of which it is provided that this article shall apply to it.

66. The Legislature may by law determine and regulate the privileges, immunities and powers of the House of Assembly and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the members thereof. Privileges, etc. of House of Assembly.

Miscellaneous

67.—(1) Subject to the provisions of this Constitution, the sessions of the House of Assembly shall be held in such places and shall commence at such times as the Governor may appoint by proclamation published in the *Gazette*. Sessions of House of Assembly.

(2) There shall be a session of the House of Assembly from time to time so that a period of twelve months does not intervene between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution. **68.**—(1) The Governor, acting in accordance with the advice of the Premier, may at any time, by proclamation published in the *Gazette*, prorogue the Legislature.

(2) The Governor may at any time, by proclamation published in the *Gazette*, dissolve the Legislature.

(3) The Governor shall dissolve the Legislature at the expiration of four years from the date when the House of Assembly first meets after any election unless it has been sooner dissolved.

(4) If, between a dissolution of the Legislature and the next ensuing election of members to the House of Assembly, an emergency arises of such a nature that, in the opinion of the Premier, it is necessary for the House to be summoned before that election can be held, the Governor, acting in accordance with the advice of the Premier, may, by proclamation published in the *Gazette*, summon the House of the preceding Legislature and that Legislature shall thereupon be deemed (except for the purposes of the next following article) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing election is held.

(5) The power conferred on the Governor by paragraph (2) of this article shall be exercised by him as nearly as may be in accordance with the constitutional conventions that apply to the exercise of the like power in the United Kingdom:

Provided that the question whether the Governor has so exercised that power shall not be enquired into in any court.

Time of elections. **69.** An election of members of the House of Assembly shall be held at such time within three months after every dissolution of the Legislature as the Governor shall appoint by proclamation published in the *Gazette*.

Determination of questions as to membership. **70.** Any question whether—
 (a) any person has been validly elected as a member of the House of Assembly ;
 (b) any member of the House has vacated his seat therein or is required by virtue of paragraph (3) of article 51 of this Constitution to cease to exercise his functions as a member ; or
 (c) any person has been validly elected as Speaker from among persons who are not members of the House, or, having been so elected, has vacated the office of Speaker,

shall be referred to and determined by the Supreme Court in accordance with the provisions of any law of the Legislature enacted in that behalf and, subject to any such law, in accordance with any direction given in that behalf by the Chief Justice of the Supreme Court.

Penalty for unauthorised person sitting or voting. **71.**—(1) Any person who sits or votes in the House of Assembly knowing, or having reasonable grounds for knowing, that he is not entitled so to do shall be liable to a penalty not exceeding one hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Director of Public Prosecutions.

72. For the purposes of sub-paragraph (a) of paragraph (2) of article 48 and sub-paragraph (e) of paragraph (1) of article 50 of this Constitution—

Interpretation of provisions regarding sentences of imprisonment.

(a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months, but if any one of such sentences exceeds that term they shall be regarded as one sentence ; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.”.

SCHEDULE 2

Section 2.

Provision	How amended
Article 22(2)(c) ...	Substitute “ article 68 ” for “ article 79 ”.
Article 22(3) ...	Substitute “ article 61 ” for “ article 72 ”.
Article 29(2) ...	Substitute the following:— “ (2) The Ministers other than the Premier shall be appointed by the Governor, acting in accordance with the advice of the Premier, from among the members of the House of Assembly. ”.
Article 30(1) ...	Substitute “ article 68 ” for “ article 79 ” in the proviso.
Article 30(2)(a) and (b).	Substitute the following:— “ (a) if he ceases to be a member of the House of Assembly for any reason other than a dissolution of the Legislature; (aa) if, when the House first meets after any dissolution of the Legislature, he is not then a member of the House; (b) if, by virtue of paragraph (3) of article 51 of the Constitution, he is required to cease to perform his functions as a member of the House; ”.
Article 30(4) ...	Substitute the following:— “ (4) For the purposes of paragraph 2 of this article, a Minister shall not be regarded as absent from British Guiana during his passage from one part thereof to another. ”.
Article 31(1) ...	Delete “ who was appointed from among the members of the Legislative Assembly ”.
Article 40(1) ...	Substitute “ the House of Assembly ” for “ the two chambers of the Legislature ”.
Article 45(5) ...	Substitute “ article 71 ” for “ article 82 ”.
Article 89(3) ...	Substitute “ the House of Assembly ” for “ the Senate or the Legislative Assembly ”.

Provision	How amended
Article 89(5)(b) ...	Substitute the following:— “ (b) if he becomes a member of the House of Assembly; ”.
Article 94(3) ...	Substitute “ the House of Assembly ” for “ the Senate or the Legislative Assembly ”.
Article 94(5)(b) ...	Substitute the following:— “ (b) if he becomes a member of the House of Assembly; ”.
Article 99(3) ...	Substitute “ the House of Assembly ” for “ the Senate or the Legislative Assembly ”.
Article 99(5)(b) ...	Substitute the following:— “ (b) if he becomes a member of the House of Assembly; ”.
Article 108(1) ...	Substitute “ the House of Assembly ” for “ both chambers of the Legislature ”.
Article 108(3) ...	Substitute the following:— “ (3) That part of any estimate which shows statutory expenditure shall not be voted on by the House of Assembly and such expenditure shall, without further appropriation by law, be paid out of the revenues or public funds of British Guiana.”.
Article 109(1)and(2)	Substitute “ the House of Assembly ” for “ the Legislative Assembly ”.
Article 109(4)(a)(ii)	Substitute the following:— “ (ii) by inclusion in estimates laid before the House of Assembly and approved by resolution of the House; or ”.
Article 113(2) ..	Substitute the following:— “ (2) The Director of Audit shall submit his reports under this article to the Speaker or, if the Speaker is for any reason unable to receive them, to the Deputy Speaker, who shall cause them to be laid before the House of Assembly; and the Director shall send a copy of each such report to the Governor.”.
Article 115(1) ...	Delete the definition of “ chamber ”; in the definition of “ public service ” substitute “ the House of Assembly ” for “ a chamber of the Legislature ”; for the definitions of “ session ” and “ sitting ” substitute the following:— “ ‘ session ’ means the sittings of the House of Assembly commencing when it first meets after the prorogation or dissolution of the Legislature at any time and terminating when the Legislature is prorogued or so dissolved without having been prorogued; ‘ sitting ’ means a period during which the House of Assembly is sitting continuously without adjournment and includes any period during which the House is in committee.”.

Provision	How amended
Article 115(5) and (6).	Substitute the following:— “ (5) any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office by writing under his hand addressed in accordance with this Constitution to any person shall take effect when the writing signifying the resignation is received by that other person. (6) Except in article 55, paragraph (1) of article 60 and article 66 of this Constitution, references in this Constitution to a member or members of the House of Assembly do not include references to a person who, under paragraph (2) of article 47 of this Constitution, is a member of the Assembly by virtue of holding the office of Speaker.”.
Article 115(7)(b) ...	Substitute the following:— “ (b) that he is in receipt of any remuneration or allowance in respect of his tenure of the office of Minister or Parliamentary Secretary or Speaker, Deputy Speaker or member of the House of Assembly; or ”.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Constitution of British Guiana by substituting for the present bicameral legislature comprising a Senate and Legislative Assembly a unicameral legislature comprising a House of Assembly composed of fifty-three members to be elected, in accordance with a system of proportional representation, under regulations made by the Governor, acting in his discretion.

1964 No. 922

OVERSEAS TERRITORIES

**The Admiralty Jurisdiction (Cayman Islands)
Order 1964**

Made - - - - - 23rd June 1964
Coming into Operation 24th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and
commence-
ment.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Cayman Islands) Order 1964.

(2) This Order shall come into operation on the 24th June 1964.

Admiralty
jurisdiction
of Grand
Court of
Cayman
Islands.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Grand Court of the Cayman Islands, have effect as if for the reference in subsection (2) of section two thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section one of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section one that are specified in the First Schedule to this Order.

Application
of provisions
of Adminis-
tration of
Justice Act
1956 to
Cayman
Islands.

3. The provisions of sections three, four, six, seven and eight of Part I of the Administration of Justice Act 1956 shall extend to the Cayman Islands with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

W. G. Agnew.

FIRST SCHEDULE

Article 2.

ADAPTATIONS AND MODIFICATIONS OF SECTION ONE OF THE
ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act 1894" shall be deleted and the words "under sections twenty-two and twenty-three of the Wreck and Salvage Law of Jamaica(a)" shall be substituted;

In subsection (4) after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words "or of the Wreck and Salvage Law of Jamaica".

SECOND SCHEDULE

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956
EXTENDED TO THE CAYMAN ISLANDS AND ADAPTATIONS AND MODIFICATIONS THERE TO.*Column I**Column II*

Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Grand Court of the Cayman Islands" shall be substituted;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Grand Court of the Cayman Islands" shall be substituted;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Grand Court of the Cayman Islands" shall be substituted;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the words "the Cayman Islands" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in the Cayman Islands shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in the Cayman Islands; or</p>

(a) Laws of Jamaica, Rev. 1953, Cap. 419.

(b) the cause of action arose within the territorial waters of the Cayman Islands ; or

(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection "territorial waters of the Cayman Islands" include any port, dock or harbour in the Cayman Islands."

In subsection (2) the words "in England and Wales" shall be deleted and the words "in the Cayman Islands" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside the Cayman Islands" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Grand Court of the Cayman Islands" shall be substituted ;

Subsection (6) shall be omitted.

Section 6

The words "England and Wales" shall be deleted and the words "the Cayman Islands" shall be substituted.

Section 7

Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section thirty-four of the Wreck and Salvage Law of Jamaica (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides that the Grand Court of the Cayman Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to the Cayman Islands.

 STATUTORY INSTRUMENTS

1964 No. 923

AFRICA

**The Constitution of Southern Rhodesia (Amendment)
Order in Council 1964**

Made - - - - - 23rd June 1964
Laid before Parliament 29th June 1964
Coming into Operation 30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers reserved to Her by section 111 of the Constitution of Southern Rhodesia 1961^(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Constitution of Southern Rhodesia (Amendment) Order in Council 1964. Citation and commencement

(2) This Order shall come into operation on 30th June 1964.

2. Section 1(1) of the Constitution of Southern Rhodesia 1961 is amended by the insertion after the word "Governor" of the words "and Commander-in-Chief". Amendment of Constitution with respect to designation of Governor

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Constitution of Southern Rhodesia by adding the words "and Commander-in-Chief" to the designation of the Governor.

^(a) Annex to S.I. 1961/2314 (1961 III, p. 4078).

1964 No. 924

DEFENCE

**The Visiting Forces (Income Tax and Death Duties)
(Designation) Order 1964**

Made - - - - 23rd June 1964

Coming into Operation 30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas section 73 of the Finance Act 1960(a), provides for certain exemptions from and other matters relating to income tax and estate duty in respect of members of visiting forces of designated countries and members of civilian components of such forces, and further provides that for the purposes of that section "designated" means designated for the purpose in question by or under any Order in Council made for giving effect to any international agreement :

And whereas this Order is an Order made for giving effect to the following international agreement, namely, the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty dated 19th June 1951(b):

And whereas on 1st July 1963 the Federal Republic of Germany acceded to the said Agreement :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the said section 73 of the Finance Act 1960, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Federal Republic of Germany is hereby designated for the purposes of section 73 of the Finance Act 1960.

2. This Order may be cited as the Visiting Forces (Income Tax and Death Duties) (Designation) Order 1964, and shall come into operation on the 30th June 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 73 of the Finance Act 1960, provides for certain exemptions from income tax and estate duty and concessions regarding residence for income tax and estate duty purposes, in respect of members of a visiting force of a designated country. This Order designates the Federal Republic of Germany following the accession by that country to the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty.

(a) 8 & 9 Eliz. 2. c. 44.

(b) Cmd. 9363.

STATUTORY INSTRUMENTS

1964 No. 925**DEFENCE****The Visiting Forces (Stamp Duties) (Designation)
Order 1964**

Made - - - - - 23rd June 1964
Coming into Operation 30th June 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by section 74 of the Finance Act 1960^(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Federal Republic of Germany is hereby designated for the purposes of section 74 of the Finance Act 1960.
2. This Order may be cited as the Visiting Forces (Stamp Duties) (Designation) Order 1964, and shall come into operation on the 30th June 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 74 of the Finance Act 1960 confers exemptions from stamp duty in relation to any visiting force of a designated country corresponding to exemptions applicable in the case of H.M. Forces. This Order designates the Federal Republic of Germany.

^(a) 8 & 9 Eliz. 2. c. 44.

1964 No. 926

MARRIAGE**The Foreign Marriage Order 1964**

Made - - - - - 23rd June 1964
Laid before Parliament 30th June 1964
Coming into Operation 1st October 1964

ARRANGEMENT OF ORDER

- PART I. SOLEMNISATION OF MARRIAGES.**
PART II. RESIDENCE AND NOTICE.
PART III. REGISTRATION.
PART IV. MARRIAGE OFFICERS.
PART V. GENERAL.

At the Court at Buckingham Palace, the 23rd day of June 1964

Present.

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by sections 18 and 21 of the Foreign Marriage Act 1892(a), as amended by sections 4(2) and 6 of the Foreign Marriage Act 1947(b), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

PART I**SOLEMNISATION OF MARRIAGES**

1.—(1) Before a marriage is solemnised in a foreign country under the Foreign Marriage Acts 1892 to 1947(c) in this order referred to as "the Foreign Marriage Acts", the marriage officer must be satisfied:

- (a) that at least one of the parties is a British subject; and
- (b) that the authorities of that country will not object to the solemnisation of the marriage; and
- (c) either
 - (i) that insufficient facilities exist for the marriage of the parties under the law of that country; or
 - (ii) that the marriage will be recognised as a valid form of marriage by the law of that country; and
- (d) that the marriage will be recognised as a valid form of marriage by the law of the country to which each party belongs.

(a) 55 & 56 Vict. c. 23.

(b) 10 & 11 Geo. 6. c. 33.

(c) 55 & 56 Vict. c. 23; 24 & 25 Geo. 5. c. 13; 10 & 11 Geo. 6. c. 33.

(2) If a marriage officer, by reason of anything in this article, refuses to solemnise or allow to be solemnised in his presence the marriage of any person requiring such marriage to be solemnised, that person shall have the same right to appeal to a Secretary of State as is given by section 5 of the Foreign Marriage Act 1892.

2. For the purpose of marriages solemnised under the Foreign Marriage Acts, other than marriages solemnised under section 22 of the Foreign Marriage Act 1892, the necessity of obtaining the consent of any person whose consent is required under section 4 of the said Act may, in respect of a person who is residing in England and Wales, Scotland or Northern Ireland, and on whose behalf due notice of the marriage is intended to be given or has been given in England and Wales, Scotland or Northern Ireland as the case may be, be dispensed with by the Registrar General for the country in which the notice is intended to be given or was given, if he is satisfied that the consent of such person cannot be obtained by reason of absence, or inaccessibility, or by reason of his being under any disability. In respect of all other persons the power to dispense with any consent shall be exercised by a Secretary of State at his discretion.

3. For the purpose of the Foreign Marriage Act 1892 and this Order, the house in which a British Ambassador resides in the foreign country to the Government of which he is accredited, or which is occupied by him in that country for the purposes of his embassy, shall be deemed to be the official house of such Ambassador, and is in this Order referred to as the embassy house, and every place within the precincts or curtilage of any such house, and any church or chapel annexed to such house, or for the time being used as the chapel thereof with the consent of the Government to which the Ambassador is accredited, shall be deemed to form part of the embassy house.

For the purpose of marriages in an embassy house, the expression "office", when used with respect to the place where any act or thing shall or may be done, shall be construed to refer to such part of the embassy house as the Ambassador may from time to time appoint as being sufficiently accessible to the public.

4. For the purpose of marriages to be solemnised by or before a consul who is a marriage officer, every place within the curtilage or precincts of the house in which such officer is for the time being resident, or of the building which is for the time being used for the purpose of his office, shall be part of the official house of such marriage officer, and every place to which the public have ordinary access in such official house shall be deemed to be part of the office of such marriage officer.

PART II

RESIDENCE AND NOTICE

5.—(1) The modifications contained in articles 6 to 15 of this Order of the requirements of the Foreign Marriage Acts as to residence and notice shall have effect in cases where neither of the parties, or only one of them, has resided within the district of the marriage officer by or before whom the intended marriage is to be solemnised.

(2) Where the provisions of this Order as to residence and notice have been complied with, or where the permission of the Secretary of State has been given, the marriage may be solemnised under the said Acts.

6. Where one party only has resided for a period of not less than one week within the district of a marriage officer by or before whom the intended marriage is to be solemnised, notice shall be given by that party to such marriage officer. The notice shall state the particulars and be in the form given in Form No. 1 of Schedule 1 to this Order.

7. If the non-resident party has resided in a place in Great Britain or Northern Ireland, notice shall be given by that party in like manner and on payment of the like fee as if that party were about to be married in that place, and in England and Wales shall be given to the Superintendent Registrar, in Northern Ireland shall be given to the Registrar, and in Scotland shall be given either by proclamation of banns or to the Registrar; and the Superintendent Registrar or Registrar shall deal with the notice and give a certificate for marriage in like manner and on payment of the like fee as in the case of a marriage in his district; and the Minister or Session Clerk of the parish in which the banns were proclaimed in Scotland shall, in like manner and on payment of the like fee as in the case of a marriage in his district, give a certificate of proclamation of such banns.

8. If the non-resident party has resided in any part of the British Commonwealth outside Great Britain and Northern Ireland—

- (a) notice shall be given by that party in accordance with any law of that part of the British Commonwealth giving effect to this Order or to any repealed or future Order under the Foreign Marriage Acts, or in like manner as if the party were about to be married in that place; and a certificate by a marriage registrar or other like officer, of the giving of such notice, shall be obtained by such party, subject always to the law in force permitting of such notice being given and to the said officer being empowered to issue such certificate; or alternatively
- (b) but only in the case of any colony or of any territory under Her Majesty's protection, notice may be given by that party to the marriage officer in whose district such person has resided or to any person authorised by the Secretary of State to receive such notices as if he were a marriage officer; and such marriage officer or person shall receive, enter, and post up such notice in the manner and during the period provided by the Foreign Marriage Act 1892, in like manner as if the marriage were to be solemnised by or before himself under the said Act and shall, on payment of the proper fee, give a certificate that the notice has been so given and posted up and that he is unaware of any impediment.

9. A law enacted by the Parliament or Legislature of any part of the British Commonwealth outside Great Britain and Northern Ireland shall be deemed to give effect to this or to any repealed or future Order under the Foreign Marriage Acts if it makes provision (in whatever terms expressed) as follows:—

- (a) that a notice of a marriage intended to be solemnised under the Foreign Marriage Acts may be given by one of the parties intending such marriage who has had his or her usual residence for a period of not less than one week immediately preceding in some place in such part of the British Commonwealth, to such marriage registrar or other officer as may be designated by the law in this behalf;
- (b) that such notice shall be published either by proclamation of banns or in such other manner as the law may provide; and

(c) that such marriage registrar or other officer, unless he is aware of any impediment or objection which should obstruct the solemnisation of the marriage shall, on payment of such fee, if any, as the law may provide, give a certificate that the said notice has been so given and published as aforesaid.

10. If the non-resident party has resided in the district of a marriage officer in a foreign country, notice shall be given by that party and entered and posted up by the marriage officer in the manner and during the period provided by the Foreign Marriage Acts, in like manner as if the marriage were to be solemnised by or before such marriage officer, and such marriage officer shall, on payment of the proper fee, give a certificate that the notice has been so given and posted up, and that he is unaware of any impediment which should obstruct the solemnisation of the marriage.

11. If the place in a foreign country at which the non-resident party has resided is not within the district of a marriage officer, the notice to be given by that party may be given to any person authorised by the Secretary of State to receive such notices ; and such person may receive, enter, and post up such notice and give a certificate that the notice has been so given and posted up and that he is unaware of any impediment, as if he were a marriage officer.

12. Where neither party has resided for a period of not less than one week within the district of the marriage officer by or before whom the intended marriage is to be solemnised ; and

(a) the marriage cannot conveniently be solemnised at the place where either of the parties has had his or her usual residence ; or

(b) the permission of the Secretary of State has been obtained ;

notice shall be given by each of the parties in the place where he or she has had his or her usual residence for a period of not less than one week immediately preceding the giving of such notice in the manner provided by articles 7 to 11 of this Order, and a certificate of the giving of such notice shall be obtained, and one of the parties shall give or transmit to the marriage officer by or before whom the marriage is to be solemnised a notice stating the particulars and in the form given in Form No. 1 of Schedule 1 to this Order, and the marriage officer, if satisfied that the marriage cannot conveniently be solemnised at the place where either of the parties has had his or her usual residence or that the permission of the Secretary of State has been obtained, may accept the notice as if both parties had been resident within his district. The permission of the Secretary of State shall in any case be obtained where one of the parties has had his or her usual residence in the United Kingdom.

13. Where the Secretary of State is satisfied that for some good cause a party to an intended marriage has not been able to comply with the requirements of this Order as to notice, and is satisfied that the intended marriage is not clandestine, and that adequate notice has been given, he may give permission for the intended marriage to be solemnised.

14. In cases falling under articles 6 to 13 of this Order, the oath under section 7 of the Foreign Marriage Act 1892 shall, in addition to the matters specified in subsections (a) and (c) of that section, state the place where each of the parties has had his or her usual residence, and the notice which has been given in that place, or to the marriage officer.

15. At or before the time when a non-resident party appears before the marriage officer and makes the oath under section 7 of the Foreign Marriage Act 1892, he or she shall, unless the marriage is solemnised with the permission of the Secretary of State, give or transmit to the marriage officer the certificate that the notice prescribed by this Order has been given at the place where such party has had his or her usual residence.

PART III REGISTRATION

16.—(1) In the case of the registration under section 18(1) of the Foreign Marriage Act 1892 of a marriage solemnised in accordance with the local law of a foreign country, the consul shall forthwith, after he has by personal attendance satisfied himself as to the solemnisation of the marriage, register the marriage in duplicate in books furnished to him for the purpose by the Registrar General through a Secretary of State separate from any register books provided for marriages solemnised by him, and shall register the same in accordance with section 9 of the Foreign Marriage Act 1892, save that if the person by whom the marriage has been solemnised declines to sign the same, the consul shall enter the name of that person, and the fact that he declines to sign the same.

(2) The consul shall transmit certified copies of any entries made during each year, or if no such entry has been made a certificate of that fact, and one of the duplicate registers, when filled, in the like manner as is provided by section 10 of the Foreign Marriage Act 1892.

17. When a certified copy of an entry in a marriage register kept under the Foreign Marriage Acts, other than a register kept under section 22 of the Foreign Marriage Act 1892, relating to a party shown to be from Scotland or Northern Ireland is received by the Registrar General, he shall send a copy of that entry to the Registrar General for Scotland or Northern Ireland, as the case may require.

18.—(1) Where a marriage at which a British consul, or person authorised to act as such, has not attended has been solemnised or has taken place in any of the foreign countries specified in Schedule 2 to this Order in accordance with the law in force in such country, either party to the marriage, being a British subject, may produce to the consul of Her Majesty's Government in the United Kingdom for the district in which the marriage has been solemnised or has taken place (or in the absence of such officer to the appropriate consul of any other Government who, by arrangement with Her Majesty's Government in the United Kingdom, have undertaken consular representation in that district on behalf of Her Majesty's Government in the United Kingdom), a certified copy of the entry in the marriage register duly authenticated by the appropriate authority in that country or a marriage certificate issued by the appropriate authority of the country, accompanied by a translation into English, and may request him to accept the certificate as a certificate of marriage issued in accordance with the local law and to certify the translation; and the consul, on payment of the appropriate fee, shall, if he is satisfied that the certificate has been duly issued by the appropriate authority and that the translation is a true one, transmit the said certificate and translation to the Registrar General together with his own certificate regarding the accuracy of the translation.

(2) The Registrar General shall receive all marriage certificates which shall have been transmitted to him with a certified translation into English in the manner prescribed in the preceding paragraph and shall, in the case of any certificate relating to a party shown to be from Scotland or Northern Ireland, send a certified copy of that certificate, together with a certified copy of the certified translation thereof, to the Registrar General for Scotland or Northern Ireland as the case may require.

(3) Any person shall be entitled to have from the appropriate Registrar General a certified copy of any document received by that Registrar General as aforesaid, on payment of fees in respect of the provision of the copy and any necessary search for the document. The fees shall be the fees which are for the time being charged by the appropriate Registrar General for the provision of a certified copy of, and any necessary search for, an entry in the records in his custody of marriages performed in England and Wales, Scotland or Northern Ireland, as the case may be.

(4) Any copy of any foreign marriage certificate issued by the appropriate Registrar General under the provisions of paragraph (3) of this article shall, without further proof, be received in evidence to the like extent as if it were a certificate duly issued by the authorities of the foreign country in which the marriage was celebrated.

PART IV

MARRIAGE OFFICERS

19. Any member of an ambassador's diplomatic staff shall be an officer to whom the Secretary of State may issue a marriage warrant under the provisions of section 11(2)(a) of the Foreign Marriage Act 1892, for solemnising a marriage in the official house of the Ambassador.

20.—(1) A Secretary of State, by a written authority under section 11 of the Foreign Marriage Act 1892, may authorise a person to act in the place of a high commissioner or resident mentioned in that section.

(2) If a Secretary of State gives such authority, or, in pursuance of the said section, authorises any high commissioner, resident, or other officer, not being an ambassador or a consul, to be a marriage officer, then, for the purpose of marriages solemnised and registered by or before any high commissioner, resident, or officer, or person so authorised, expressions in the Foreign Marriage Acts shall be construed as follows:—

(a) expressions referring to the district of a marriage officer shall be construed to refer to the district for which such high commissioner, resident, officer, or person is authorised to act for the purpose of the Foreign Marriage Acts;

(b) the expression "official house of a marriage officer" shall be construed to refer to the building or part of a building or place specified in the document by which he is authorised to act;

(c) the expression "office" when used with respect to the place at which any act or thing shall or may be done, shall be construed to refer to such portion of the building, part, or place so specified as is ordinarily accessible to the public.

PART V

GENERAL

21. The forms in Schedule 1 to this Order shall be used in all cases to which they are applicable.

5. I make the foregoing statements solemnly and deliberately, conscientiously believing the same to be true, well knowing that if any person knowingly and wilfully makes a false oath or signs a false notice under the Foreign Marriage Act 1892, for the purpose of procuring a marriage, he shall suffer the penalties of Perjury (see section 17 and Schedule to the Perjury Act 1911); and well knowing also that any person who, being married or single, shall marry any other person during the life of the husband or wife of either party, as the case may be, may be indicted for felony under the Offences against the Person Act 1861, sections 57 and 67.

Sworn at }
this day of..... 19 }
Before me, X.Y., H.M. Consul (or as the case } A.B.
may be) at..... }
X.Y. (Official seal)

WHERE ONE PARTY ONLY HAS RESIDED WITHIN THE DISTRICT OF THE MARRIAGE OFFICER BEFORE WHOM THE OATH IS MADE, THE FORM OF THE OATH MADE BY THAT PARTY WILL BE AS ABOVE EXCEPT FOR PARAGRAPH 3 WHICH WILL READ AS FOLLOWS:—

I have for three weeks immediately preceding this date had my usual residence within the district of [here insert the official title of the marriage officer, and, in the case of a consular officer, the place where he is appointed to reside], namely, at , and to the best of my knowledge and belief C.D. has within three months immediately preceding this date, namely from the day of to the day of had his/her usual residence at , and has there given notice of our intended marriage, as appears by the certificate now shown to me and marked

AND THE FORM OF PARAGRAPH 3 OF THE OATH BY THE NON-RESIDENT PARTY WILL BE AS FOLLOWS:—

I have within three months immediately preceding this date, namely, from the day of to the day of , had my usual residence at , and have there given notice of our intended marriage as appears by the certificate now shown to me and marked , and to the best of my knowledge and belief A.B. has for three weeks immediately preceding this date had his/her usual residence within the district of [here insert the official title of the marriage officer, and, in the case of a consular officer, the place where he is appointed to reside].

WHERE NEITHER PARTY HAS RESIDED WITHIN THE DISTRICT OF THE MARRIAGE OFFICER BEFORE WHOM THE OATH IS MADE, THE FORM OF PARAGRAPH 3 OF THE OATH BY EACH PARTY WILL BE AS FOLLOWS:—

I have within three months immediately preceding this date, namely from the day of to the day of , had my usual residence at , and to the best of my knowledge and belief C.D./A.B. has within those three months, namely, from the day of to the day of , had his/her usual residence at , and notice of our intended marriage has been given at those places, as appears by the certificates now shown to me and marked respectively and .

WHERE A SECRETARY OF STATE HAS BEEN SATISFIED THAT ADEQUATE NOTICE HAS BEEN GIVEN, AND HAS GIVEN PERMISSION FOR THE SOLEMNISATION OF THE MARRIAGE, THE FORM OF SO MUCH OF PARAGRAPH 3 OF THE OATH AS RELATES TO THE NOTICE OF THE INTENDED MARRIAGE WILL BE AS FOLLOWS:—

A notice of our intended marriage has been given by [here state what notice has been given], as appears by the certificate [or other evidence of notice] now shown to me and marked , and a Secretary of State has been satisfied that such notice is adequate, and has given permission for the marriage to be solemnised.

No. 3—*Form of Certificate of Issue and Posting up of Notice*

I, A.B., Her Majesty's Consul [or as the case may be], residing at _____, hereby certify that on the _____ day of _____ 19____ I received the following notice of marriage [here insert the words of the notice], and that such notice was entered and posted up in my Consulate [or as the case may be], in the manner and during the period provided by the Foreign Marriage Act 1892, as if the marriage was to be solemnised in my Consulate [or as the case may be], and that I am not aware of any impediment which should obstruct the solemnisation of the above marriage.

Witness my hand and seal this _____ day of _____ 19____.

(Signature and official seal of marriage officer).

No. 4—*Certificate of Copy of Marriage Register*

I, _____, Her Majesty's Consul [or as the case may be], residing at _____, hereby certify that this is a true copy of the entries of marriages registered in this office, from the entry of the marriage of A.B. and C.D., number *one*, to the entry of the marriage of E.F. and G.H., number *two*.

Witness my hand and seal this _____ day of _____ 19____.

(Signature and official seal of marriage officer).

No. 5—*Certificate of Copy of Lex Loci Marriage Register*

I, _____, Her Majesty's Consul [or as the case may be], residing at _____, hereby certify that this is a true copy of the entries of marriages registered in this district, from the entry of the marriage of A.B. and C.D., number *one*, to the entry of the marriage of E.F. and G.H., number *two*.

Witness my hand and seal this _____ day of _____ 19____.

(Signature and official seal of marriage officer).

Article 18

SCHEDULE 2

Algerian Republic	Ecuador
Andorra	El Salvador
Argentine Republic	Ethiopia
Austria	Finland
Belgium	France
Bolivia	Gabon
Brazil	Germany
Bulgaria	Greece
Burma	Guatemala
Burundi	Guinea
Cambodia	Haiti
Federal Republic of Cameroon	Honduras
Central African Republic	Hungary
Chad	Iceland
Chile	Indonesia
China	Iran
Colombia	Israel
Congo (Leopoldville)	Italy
Congo (Brazzaville)	Ivory Coast
Costa Rica	Japan
Cuba	Jordan
Czechoslovakia	Kuwait
Dahomey	Lebanon
Denmark	Libya
Dominican Republic	Liechtenstein

Luxembourg	Somali Republic
Malagasy Republic	Republic of South Africa
Mali	Spain (including Canary Islands and Balearic Islands)
Mexico	Sudan
Monaco	Sweden
Morocco	Switzerland
Netherlands (including Netherlands Antilles and Curacao)	Syrian Arab Republic
Nicaragua	Thailand
Niger	Togo
Norway	Tunisia
Panama	Turkey
Paraguay	Union of Soviet Socialist Republics
Peru	United Arab Republic
Philippine Republic	United States of America (including Virgin Islands)
Poland	Upper Volta
Portugal (including Cape Verde Islands, Azores, Portuguese East Africa, Angola and Macao)	Uruguay
Roumania	Vatican City State
Rwanda	Venezuela
San Marino	Viet Nam
Senegal	Yugoslavia

SCHEDULE 3

ORDERS REVOKED

Article 23

Title	Reference	Extent of Revocation
The Foreign Marriages Order in Council 1913	S.R. & O. 1913/1270 (Rev. XIII, p. 211: 1913, p. 382)	The whole Order
The Foreign Marriages Order in Council 1925	S.R. & O. 1925/92 (Rev. XIII, p. 211: 1925, p. 1051)	The whole Order
The Foreign Marriages (Amendment) Order in Council 1933	S.R. & O. 1933/975 (Rev. XIII, p. 211: 1933, p. 1317)	The whole Order
The Foreign Marriage Order in Council 1947	S.R. & O. 1947/2875 (Rev. XIII, p. 220: 1947 I, p. 1267)	Articles 1, 5, 6 and 7 and Schedule 4
The Foreign Marriage (Amendment) Order in Council 1949	S.I. 1949/1235 (1949 I, p. 2502)	The whole Order
The Foreign Marriage (Amendment) Order in Council 1952	S.I. 1952/159 (1952 II, p. 1689)	The whole Order
The Foreign Marriage (Amendment No. 2) Order 1952	S.I. 1952/1346 (1952 II, p. 1690)	The whole Order
The Foreign Marriage (Amendment) Order 1956	S.I. 1956/413 (1956 I, p. 1184)	The whole Order
The Foreign Marriage (Amendment) Order 1959	S.I. 1959/1774 (1959 I, p. 1674)	The whole Order

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Foreign Marriage Act 1892, as amended by the Foreign Marriage Act 1947, provides primarily that a marriage solemnised in the manner laid down in the Act in a foreign country between parties of whom at least one is a British subject, shall be as valid as a marriage properly celebrated in the United Kingdom. A further purpose of the Act is to provide facilities for placing on record in the United Kingdom the marriages of British subjects celebrated under the local law of foreign countries.

Orders in Council are required:—

- (1) to restrict the solemnisation of a marriage where it would be inconsistent with the comity of nations, or where adequate facilities already exist;
- (2) to define the places where a marriage may be solemnised;
- (3) to modify for special cases the requirements of the Act as to residence and notice;
- (4) to prescribe forms;
- (5) to facilitate the solemnisation of marriages by persons other than ambassadors and consuls;
- (6) to make provision for the registration of marriages solemnised under the local law of foreign countries and the deposit of local law marriage certificates in the United Kingdom.

The Foreign Marriage Order 1964 replaces the Orders listed in Schedule 3 thereto in dealing with the above matters.

STATUTORY INSTRUMENTS

1964 No. 927 (C. 12)**PROFESSIONS SUPPLEMENTARY TO MEDICINE****The Professions Supplementary to Medicine Act 1960
(Commencement No. 5) Order 1964***Made - - - - 23rd June 1964*

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,**The Queen's Most Excellent Majesty in Council**

Whereas it is provided by section 14(3) of the Professions Supplementary to Medicine Act 1960^(a) that the said Act shall come into operation on such day as Her Majesty may by Order in Council appoint and that different days may be appointed for different provisions:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by the said section 14, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Professions Supplementary to Medicine Act 1960 (Commencement No. 5) Order 1964.

2. The provisions of the Professions Supplementary to Medicine Act 1960 specified in the Schedule to this Order shall come into operation on 1st July 1964.

*W. G. Agnew.***SCHEDULE**

Section 8
Section 9
Schedule 2.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into operation as from 1st July 1964 the remaining provisions of the Professions Supplementary to Medicine Act 1960. These provisions relate to disciplinary proceedings.

^(a) 8 & 9 Eliz. 2. c. 66.

1964 No. 928

MERCHANT SHIPPING**LEGAL PROCEEDINGS****The Merchant Shipping (Liability of Shipowners and Others)
Act 1958 (Jersey) Order 1964**

<i>Made - - - -</i>	<i>23rd June 1964</i>
<i>Laid before Parliament</i>	<i>30th June 1964</i>
<i>Coming into Operation</i>	<i>1st August 1964</i>

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 11 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall extend to the Bailiwick, subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.
2. In this Order the expression "the Bailiwick" means the Bailiwick of Jersey and the territorial waters thereof.
3. This Order may be cited as the Merchant Shipping (Liability of Shipowners and Others) Act 1958 (Jersey) Order 1964 and shall come into operation on 1st August 1964.

W. G. Agnew.

SCHEDULE

1. Any reference to the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall be construed as a reference to that Act as extended to the Bailiwick by this Order, and the reference in section 9 to the commencement of that Act shall be construed as a reference to the coming into force of this Order.
2. For any reference to the United Kingdom there shall be substituted a reference to the Bailiwick.
3. Section 1(4) shall be omitted.
4. Section 2(6) and (7) shall be omitted.
5. In section 5(1) the words and brackets "(or, in Scotland, to have prorogated that jurisdiction)" shall be omitted.
6. Section 5(7) shall be omitted.

7. In section 6(1) the words and brackets “(or, in Scotland, expenses)” shall be omitted.

8. Section 8(5) shall be omitted.

9. Section 10 shall be omitted.

10. For section 11 there shall be substituted the following section:—

“Registra-
tion of
orders. 11. Any Order in Council made by Her Majesty under the provisions of section 5(6) of this Act or any Order made by the Minister of Transport under the provisions of this Act shall not come into force in the Bailiwick until it has been registered by the Royal Court of Jersey.”.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends to the Bailiwick of Jersey the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958, with the necessary modifications.

1964 No. 929

MERCHANT SHIPPING**LEGAL PROCEEDINGS****The Merchant Shipping (Liability of Shipowners and Others) Act 1958 (Guernsey) Order 1964**

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	30th June 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 11 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall extend to the Bailiwick, subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.
2. In this Order the expression "the Bailiwick" means the Bailiwick of Guernsey and the territorial waters thereof.
3. This Order may be cited as the Merchant Shipping (Liability of Shipowners and Others) Act 1958 (Guernsey) Order 1964 and shall come into operation on 1st August 1964.

*W. G. Agnew.***SCHEDULE**

1. Any reference to the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall be construed as a reference to that Act as extended to the Bailiwick by this Order, and the reference in section 9 to the commencement of that Act shall be construed as a reference to the coming into force of this Order.
2. For any reference to the United Kingdom there shall be substituted a reference to the Bailiwick.
3. In section 1(4) the words and brackets "(or, in Scotland, consigned in court)" shall be omitted.
4. Section 2(6) and (7) shall be omitted.
5. In section 5(1) the words and brackets "(or, in Scotland, to have prorogated that jurisdiction)" shall be omitted.
6. Section 5(7) shall be omitted.

7. In section 6(1) the words and brackets “ (or, in Scotland, expenses) ” shall be omitted.

8. Section 8(5) shall be omitted.

9. Section 10 shall be omitted.

10. For section 11 there shall be substituted the following section:—

“Registra- 11. Any Order in Council made by Her Majesty under the pro-
tion of visions of section 5(6) of this Act or any Order made by the Minister
orders. of Transport under the provisions of this Act shall not come into
force in the Bailiwick until it has been registered by the Royal Court of
Guernsey.”.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends to the Bailiwick of Guernsey the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958, with the necessary modifications.

1964 No. 930

CONTINENTAL SHELF

The Continental Shelf (Jurisdiction) Order 1964

<i>Made</i> - - - -	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	1st July 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Continental Shelf (Designation of Areas) Order 1964(a) an area was designated outside the territorial waters of the United Kingdom in which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources might be exercised ;

And Whereas it is desirable that provision should be made for the determination of questions arising out of acts or omissions taking place in that area, for the conferring of jurisdiction on the courts of England and Scotland for that purpose and for the treating, for the purposes of the Wireless Telegraphy Act 1949(b) and for the purposes of the Radio-active Substances Act 1960(c), of installations in that area as being in England or Scotland ;

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 3, 6 and 7 of the Continental Shelf Act 1964(d), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Interpretation

1.—(1) This Order may be cited as the Continental Shelf (Jurisdiction) Order 1964.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order—

“ the Act ” means the Continental Shelf Act 1964 ;

“ the designated area ” means the area designated by the Continental Shelf (Designation of Areas) Order 1964 ;

“ the border ” means latitude 55° 50' North ;

“ the English area ” and “ the Scottish area ” mean those parts of the designated area lying, respectively, south and north of the border.

Application of English and Scottish law

2. Subject to section 3(1) of the Act, the law in force in England shall apply for the determination of questions arising out of acts or omissions taking place in the English area and the law in force in Scotland shall apply for the determination of questions arising out of acts or omissions taking place in the Scottish area.

(a) S.I. 1964/697 (1964 II, p. 1340). (b) 12 & 13 Geo. 6. c. 54. (c) 8 & 9 Eliz. 2. c. 34.
(d) 1964 c. 29. (e) 52 & 53 Vict. c. 63.

Jurisdiction

3. The High Court shall have such jurisdiction for the determination of any questions to which section 3(2) of the Act refers and which, under the last foregoing Article, fall to be determined in accordance with the law in force in England, as it would have if the acts or omissions in question had taken place in England, and the Court of Session shall have such jurisdiction for the determination of any such questions so falling to be determined in accordance with the law in force in Scotland, as it would have if the acts or omissions in question had taken place in Scotland.

Application of Wireless Telegraphy Act 1949

4. For the purposes of the Wireless Telegraphy Act 1949 and any regulations made thereunder (subject, however, in the case of any such regulations made hereafter, to any contrary intention appearing therein) any installation in the English area and any waters in the designated area within 500 metres of such an installation (not being waters lying north of the border and within 500 metres of an installation in the Scottish area) shall be deemed to be situated in England and any installation in the Scottish area and any such waters within 500 metres of such an installation (not being waters lying south of the border and within 500 metres of an installation in the English area) shall be deemed to be situated in Scotland.

Application of Radioactive Substances Act 1960

5. For the purposes of the Radioactive Substances Act 1960 and any regulations and orders made thereunder (subject, however, in the case of any such regulations or orders made hereafter, to any contrary intention appearing therein) any installation in the English area and any waters in the designated area within 500 metres of such an installation (not being waters lying north of the border and within 500 metres of an installation in the Scottish area) shall be deemed to be situated in England and any installation in the Scottish area and any such waters within 500 metres of such an installation (not being waters lying south of the border and within 500 metres of an installation in the English area) shall be deemed to be situated in Scotland.

Commencement

6. This Order shall come into force on 1st July 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order divides the area designated as part of the United Kingdom Continental Shelf by the Continental Shelf (Designation of Areas) Order 1964 into an English and a Scottish part to which English and Scottish civil law are applied respectively, and confers jurisdiction accordingly on the High Court and the Court of Session. The Order also provides for an installation in the English or Scottish part to be treated, for the purposes of the Wireless Telegraphy Act 1949 and for the purposes of the Radioactive Substances Act 1960, as being in England or Scotland, as the case may be.

1964 No. 931

MERCHANT SHIPPING

**The Oil in Navigable Waters (Convention Countries)
(Italian Republic) Order 1964**

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	30th June 1964
<i>Coming into Operation</i>	25th August 1964

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 18(3) of the Oil in Navigable Waters Act 1955^(a) it is enacted that for the purposes of that section Her Majesty, if satisfied that the government of any country has accepted the International Convention for the Prevention of Pollution of the Sea by Oil 1954, may by Order in Council make a declaration to that effect:

And Whereas Her Majesty is satisfied that the Government of the Italian Republic has accepted the said Convention of 1954:

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by the aforesaid section 18(3) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. For the purposes of section 18 of the Oil in Navigable Waters Act 1955 it is hereby declared that the Government of the Italian Republic has accepted the International Convention for the Prevention of Pollution of the Sea by Oil 1954.

2. This Order shall come into operation on 25th August 1964 and may be cited as the Oil in Navigable Waters (Convention Countries) (Italian Republic) Order 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order declares that the Government of the Italian Republic has accepted the International Convention for the Prevention of Pollution of the Sea by Oil 1954.

(a) 3 & 4 Eliz. 2. c. 25.

1964 No. 934

EDUCATION, ENGLAND AND WALES
The Teachers Superannuation Amending Rules 1964

Made - - - -	19th June 1964
Laid before Parliament	30th June 1964
Coming into Operation	1st July 1964

The Secretary of State for Education and Science with the consent of the Treasury and after consultation with representatives of local education authorities and teachers affected, in exercise of the powers conferred upon him by section 17 of the Teachers (Superannuation) Act 1925(a), hereby makes the following Rules:—

1. These Rules may be cited as the Teachers Superannuation Amending Rules 1964, and shall come into operation on 1st July 1964.

2. The Teachers Superannuation Rules 1926(b), as amended by the Teachers Superannuation Amending Rules 1930(c), the Teachers Superannuation Amending Rules 1937(d), the Teachers Superannuation Amending Rules 1941(e), the Teachers Superannuation Amending Rules 1947(f), the Teachers Superannuation Amending Rules 1948(g), the Teachers Superannuation Amending Rules 1951(h), the Teachers Superannuation Amending Rules 1956(i), the Teachers Superannuation Amending Rules 1959(j), the Teachers Superannuation Amending Rules 1960(k) and the Teachers Superannuation Amending Rules 1961(l), are hereby further amended by the insertion of the following rule after rule 23 thereof:—

“ Section 17(1)(b)

23A(1) Where in pursuance of rule 16 of these Rules a teacher is required to pay interest on contributions in respect of a period of contributory service, compound interest calculated at 4 per cent per annum with yearly rests shall be paid by the employer on the contributions payable by him in respect of that period.

(2) Compound interest payable under paragraph (1) of this rule shall be paid from either 1st July 1964 or 1st October in the financial year following that in which the period of contributory service ended, whichever shall be the later, until—

(a) in a case in which the employer's contributions are deducted from grants in accordance with the provisions of rule 22 of these Rules, the date on which the teacher's contributions in respect of the relevant period of service are paid; or

(a) 15 & 16 Geo. 5. c. 59.	(h) S.I. 1951/229 (1951 I, p. 571).
(b) S.R. & O. 1926/415 (Rev. VI, p. 421: 1926, p. 429).	(i) S.I. 1956/1508 (1956 I, p. 724).
(c) S.R. & O. 1930/219 (Rev. VI, p. 421: 1930, p. 485).	(j) S.I. 1959/891 (1959 I, p. 1064).
(d) S.R. & O. 1937/808 (Rev. VI, p. 421: 1937, p. 682).	(k) S.I. 1960/159 (1960 I, p. 1302).
(e) S.R. & O. 1941/599 (Rev. VI, p. 421: 1941 I, p. 252).	(l) S.I. 1961/158 (1961 I, p. 268).
(f) S.R. & O. 1947/493 (Rev. VI, p. 431: 1947 I, p. 584).	
(g) S.R. & O. 1948/1801 (Rev. VI, p. 437: 1948 I, p. 758).	

(b) in any other case, the date on which the employer's contributions in respect of the relevant period of service are paid."

Given under the Official Seal of the Secretary of State for Education and Science on 12th June 1964.

(L.S.)

Newton,
Minister of State
for Education and Science.

Concur

M. A. Hamilton,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

19th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These rules provide for the charging of interest on employers' contributions belatedly paid under Section 9(1)(b) of the Teachers (Superannuation) Act 1925, as amended.

1964 No. 935

EDUCATION, ENGLAND AND WALES

**The Teachers Superannuation (National Service)
Amending Rules 1964**

<i>Made</i> - - - -	19th June 1964
<i>Laid before Parliament</i>	30th June 1964
<i>Coming into Operation</i>	1st July 1964

The Secretary of State for Education and Science, with the consent of the Treasury, in exercise of the powers conferred upon him by section 1 of the Superannuation (Miscellaneous Provisions) Act 1948(a), as amended by sections 41 and 44 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b), hereby makes the following Rules:—

1. These Rules may be cited as the Teachers Superannuation (National Service) Amending Rules 1964, and shall come into operation on 1st July 1964.

2. The Teachers Superannuation (National Service) Rules 1949(c), as amended by the Teachers Superannuation (National Service) Amending Rules 1952(d) and the Teachers Superannuation (National Service) Amending Rules 1956(e), are hereby further amended by the substitution of the following rule for rule 7 thereof:—

“ 7.—(1) Where a period of national service of a teacher is treated as contributory service by virtue of these Rules the contributions in respect thereof payable by the teacher shall be paid not later than two years after the date on which his national service ended and, if not so paid, compound interest thereon calculated at 4 per cent. per annum with yearly rests shall be paid from the day next following the termination of the said period of two years.

(2) Where in pursuance of paragraph (1) of this rule a teacher is required to pay interest on contributions in respect of a period of national service, compound interest calculated at 4 per cent. per annum with yearly rests shall be paid by the former employer on the contributions payable by him in respect of that period.

(3) Compound interest payable under paragraph (2) of this rule shall be paid from either 1st July 1964 or the day next following the termination of the period of two years after the ending of the teacher's national service, whichever shall be the later, until—

(a) in a case in which the former employer's contributions are deducted from grants payable by the Secretary of State or other Government Department, the date on which the teacher's contributions in respect of the period of national service are paid; or

(a) 11 & 12 Geo. 6. c. 33. (b) 14 & 15 Geo. 6. c. 65. (c) S.I. 1949/468 (1949 I, p. 1533).
(d) S.I. 1952/137 (1952 I, p. 842). (e) S.I. 1956/1513 (1956 I, p. 729).

(b) in any other case, the date on which the former employer's contributions in respect of the period of national service are paid."

Given under the Official Seal of the Secretary of State for Education and Science on 12th June 1964.

(L.S.)

Newton,

Minister of State for Education and Science.

Concur

M. A. Hamilton,

Ian MacArthur,

Two of the Lords Commissioners
of Her Majesty's Treasury.

19th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These rules provide for the charging of interest on contributions belatedly paid, by a teacher and his former employer, to enable a period of national service to be reckoned as if it were a period of pensionable service as a teacher.

1964 No. 936

LONDON GOVERNMENT

LAND CHARGES

**The Transfer of Local Land Charges Registers
(Greater London) Order 1964**

Made - - - -	23rd June 1964
Laid before Parliament	30th June 1964
Coming into Operation	1st October 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 84 of the London Government Act 1963(a), hereby make the following order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Transfer of Local Land Charges Registers (Greater London) Order 1964 and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order, unless the context otherwise requires:—

“ the Act of 1925 ” means the Land Charges Act 1925(c) ;

“ charge ” means a local land charge within the meaning of section 15 of the Act of 1925 which affects land situated in any London borough or in the City ;

“ clerk ” and “ town clerk ” include the persons for the time being authorised to act as clerk and town clerk respectively ;

“ entry ” means either an entry in a register or a statement giving the full particulars of such an entry ;

“ new registrar ” means, in relation to any charge, the town clerk of the London borough in which the land to which the charge relates is situated, or, if that land is situated in the City, the town clerk of the City ;

“ outgoing registrar ” means the town clerk of any borough (not being a London borough) or metropolitan borough, or the clerk of the council of any urban district, wholly or partly situated within Greater London, or the clerk of any of the county councils of Essex, Hertfordshire, Kent, London, Middlesex or Surrey, or, to the extent that he becomes liable under this Order to maintain any register, the clerk to the Greater London Council ;

“ register ” means a register of local land charges kept in pursuance of section 15 of the Act of 1925.

Maintenance of existing registers until transfer to new registrars

2. Notwithstanding anything in section 79 of the London Government Act 1963, each outgoing registrar shall continue to act as local registrar for the purposes of section 15 of the Act of 1925 for any charge registered by him before 1st October 1964 until the entry relating to that charge is transferred to the new registrar in accordance with this Order.

Transfer of registers to new registrars

3. Subject to Article 4 below, each outgoing registrar shall as soon as practicable and in any event before 1st April 1965 transfer the entries relating to every charge registered in his register to the new registrar for each such charge.

Extension of period of transfer for London register

4.—(1) The clerk of the London County Council shall not be bound to complete the transfer of the register maintained by him in accordance with Article 3 above before 1st April 1965 if he gives notice in writing to the Lord Chancellor and to the clerk to the Greater London Council that he is satisfied that it would be impracticable to complete the transfer before that date.

(2) If the clerk of the London County Council gives such notice, and if the register maintained by him is not completely transferred in accordance with Article 3 above before 1st April 1965, then on that date his functions in relation to charges shall devolve upon the clerk to the Greater London Council.

(3) The clerk to the Greater London Council shall transfer in accordance with Article 3 above any register for the maintenance of which he may become responsible under this paragraph as soon as practicable and in any event before 1st January 1966.

Official certificates of search

5.—(1) Whenever an outgoing registrar issues an official certificate of search in respect of land concerning which the entries, if any, have been transferred to the new registrar, he shall certify that fact by endorsing on or annexing to the certificate a declaration in the form set out in Part I of the Schedule hereto.

(2) Whenever in pursuance of a requisition for search made before 1st January 1966 a new registrar issues an official certificate of search in respect of land concerning which the entries, if any, in the register maintained by any outgoing registrar have been transferred to his register, he shall certify that fact by endorsing on or annexing to the official certificate of search a declaration in the form set out in Part 2 of the Schedule hereto.

Dated 23rd June 1964.

Dilhorne, C.

Article 5

SCHEDULE

PART 1

DECLARATION TO BE MADE BY OUTGOING REGISTRAR WHERE ENTRIES
HAVE BEEN TRANSFERRED

The entries, if any, in this local land charges register relating to the land in question have been transferred to the town clerk of the London borough in whose area the property is situated, and the official certificate of search issued by him should acknowledge this and contain a declaration that that certificate extends to any such entries.

PART 2

DECLARATION TO BE MADE BY NEW REGISTRAR WHERE ENTRIES HAVE
BEEN TRANSFERRED

The entries, if any, in the local land charges register[s] maintained by the [specify the appropriate outgoing registrar(s)] relating to the land in question have been transferred to this register, and this official certificate of search accordingly extends to any such entries.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under section 79 of the London Government Act 1963, the registration of local land charges affecting land in the Greater London area will be carried on by the town clerks of the new London boroughs.

This Order provides for the transfer of the registers of such charges registered before 1st October 1964 to the new registrars. The transfer must in general be completed before 1st April 1965, although there is power to extend until 1st January 1966 the time allowed for transferring the London County Council register if it is impracticable to complete the transfer before 1st April 1965.

Provision is also made for the maintenance of the registers, and for official searches in them, during the transitional period.

1964 No. 937

LONDON GOVERNMENT

LAND CHARGES

**The Transfer of Local Land Charges Registers (Potters Bar,
Staines and Sunbury) Order 1964**

<i>Made - - - -</i>	23rd June 1964
<i>Laid before Parliament</i>	30th June 1964
<i>Coming into Operation</i>	1st October 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 84 of the London Government Act 1963(a), hereby make the following Order :—

Title and interpretation

1.—(1) This Order may be cited as the Transfer of Local Land Charges Registers (Potters Bar, Staines and Sunbury) Order 1964 and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order, unless the context otherwise requires:—

“the Act of 1925” means the Land Charges Act 1925(c);

“Potters Bar charge”, “Staines charge” and “Sunbury charge” mean local land charges within the meaning of section 15 of the Act of 1925 which affect land situated in the urban districts of Potters Bar, Staines and Sunbury-on-Thames respectively, and for which, under the Act of 1925 and the Rules made thereunder, the proper officer to act as local registrar is the clerk of the county council in whose area such land is situated;

“clerk” includes the person for the time being authorised to act as clerk;

“entry” means either an entry in a register or a statement giving the full particulars of such an entry;

“register” means a register of local land charges kept in pursuance of section 15 of the Act of 1925.

Potters Bar charges

2.—(1) As respects any Potters Bar charge, the proper officer to act as local registrar shall, as from 1st October 1964, be the clerk of the Hertfordshire County Council.

(2) On 1st October 1964, the clerk of the Middlesex County Council shall transfer all the entries in the register maintained by him which relate to Potters Bar charges to the clerk of the Hertfordshire County Council.

(a) 1963 c. 33.

(b) 52 & 53 Vict. c. 63.

(c) 15 & 16 Geo. 5. c. 22.

Staines and Sunbury charges

3.—(1) As respects any Staines charge or Sunbury charge, the proper officer to act as local registrar shall, as from 1st October 1964, be the clerk of the Surrey County Council.

(2) On 1st October 1964, the clerk of the Middlesex County Council shall transfer all the entries in the register maintained by him which relate to Staines charges and Sunbury charges to the clerk of the Surrey County Council.

Dated 23rd June 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under the London Government Act 1963, the urban district of Potters Bar will become part of Hertfordshire, and the urban districts of Staines and Sunbury-on-Thames will become part of Surrey, on 1st April 1965. This Order provides for the consequent transfer of functions relating to local land charges, and of relevant existing entries in the register, from the clerk of the Middlesex County Council to the clerks of the Hertfordshire and Surrey County Councils respectively on 1st October 1964.

1964 No. 939

NATIONAL ASSISTANCE

The National Assistance (Professions Supplementary to
Medicine) Regulations 1964

<i>Made</i> - - - - -	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	1st October 1964

The Minister of Health, in exercise of the powers conferred on him by section 35 of the National Assistance Act 1948(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the National Assistance (Professions Supplementary to Medicine) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“ the Act ” means the National Assistance Act 1948 ;

“ the Act of 1946 ” means the National Health Service Act 1946(b).

(2) For the purposes of these regulations a person is registered in respect of a profession if his name is on the register maintained under the Professions Supplementary to Medicine Act 1960(c) by the Board for that profession.

(3) The Interpretation Act 1889(d) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. On and after the date of the coming into operation of these regulations no officer shall be employed by a local authority for the purposes of Part III of the Act or by a voluntary organisation acting under arrangements with or on behalf of a local authority for those purposes in the capacity of chiropodist, dietitian, occupational therapist, physiotherapist or remedial gymnast unless—

(a) he is registered in respect of the profession appropriate to the work for which he is employed ; or

(b) he was on 29th June 1964 employed in a like capacity—

(i) by that local authority for the purposes of Part III of the Act,
or,

(ii) by that or any other voluntary organisation in carrying out arrangements with or on behalf of that local authority for the purposes either of Part III of the Act or Part III of the Act of 1946.

4. Where by or under any enactment passed before or after the coming into operation of these regulations an officer is transferred to the service of another local authority or where in any area the functions under Part III

(a) 11 & 12 Geo. 6. c. 29.
(e) 8 & 9 Eliz. 2. c. 66.

(b) 9 & 10 Geo. 6. c. 81.
(d) 52 & 53 Vict. c. 63.

of the Act or Part III of the Act of 1946 have become exercisable by a different authority, for the purposes of these regulations the officer shall be deemed to have been transferred and the local authority shall be deemed to have been exercising those functions on 29th June 1964 and references to employment by a local authority or by a voluntary organisation in carrying out arrangements with or on behalf of a local authority on that date shall be construed accordingly.

Given under the official seal of the Minister of Health on 23rd June 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prohibit the employment on and after 1st October 1964 for the purpose of providing services under Part III of the National Assistance Act 1948, of chiropodists, dietitians, occupational therapists, physiotherapists or remedial gymnasts unless they are registered under the Professions Supplementary to Medicine Act 1960. In certain circumstances, which the regulations define, persons so employed on 29th June 1964 in connection with the provision of health or welfare services by or on behalf of local authorities are exempted from the requirement of registration.

1964 No. 940

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The National Health Service (Professions Supplementary to
Medicine) Regulations 1964**

<i>Made</i> - - - -	23rd June 1964
<i>Laid before Parliament</i>	29th June 1964
<i>Coming into Operation</i>	1st October 1964

The Minister of Health, in exercise of the powers conferred on him by section 66 of the National Health Service Act 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the National Health Service (Professions Supplementary to Medicine) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

“the Act of 1946” means the National Health Service Act 1946 ;

“the Act of 1948” means the National Assistance Act 1948(b) ;

“employed” in relation to an officer means employed by—

(a) a Regional Hospital Board having been appointed by a Hospital Management Committee acting on their behalf ; or

(b) a Board of Governors of a teaching hospital ; or

(c) a local health authority in their capacity as such authority ; or

(d) a voluntary organisation for the purpose of providing services under Part III of the Act of 1946 ;

and “employment” shall be construed accordingly.

(2) For the purposes of these regulations a person is registered in respect of a profession if his name is on the register maintained under the Professions Supplementary to Medicine Act 1960(c) by the Board for that profession.

(3) The Interpretation Act 1889(d) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. On and after the date of the coming into operation of these regulations no officer shall be employed in the capacity of chiropodist, dietitian, medical laboratory technician, occupational therapist, physiotherapist, radiographer or remedial gymnast unless—

(a) he is registered in respect of the profession appropriate to the work for which he is employed ; or

(b) in the case of employment by a local health authority or by a voluntary organisation for the purpose of providing services under

(a) 9 & 10 Geo. 6. c. 81.

(c) 8 & 9 Eliz. 2. c. 66.

(b) 11 & 12 Geo. 6. c. 29.

(d) 52 & 53 Vict. c. 63.

Part III of the Act of 1946 for such an authority, he was on 29th June 1964 employed in a like capacity—

- (i) by that local authority for the purposes of Part III of the Act of 1948, or,
- (ii) by that or any other voluntary organisation in carrying out arrangements with or on behalf of that local authority for the purposes either of Part III of the Act of 1946 or Part III of the Act of 1948.

4. Where by or under any enactment passed before or after the coming into operation of these regulations an officer is transferred to the service of another local authority or where in any area the functions under Part III of the Act of 1946 or Part III of the Act of 1948 have become exercisable by a different authority, for the purposes of these regulations the officer shall be deemed to have been transferred and the local authority shall be deemed to have been exercising those functions on 29th June 1964 and references to employment by a local authority or by a voluntary organisation in carrying out arrangements with or on behalf of a local authority on that date shall be construed accordingly.

Given under the official seal of the Minister of Health on 23rd June 1964

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prohibit the employment on and after 1st October 1964 for the purpose of providing services under the National Health Service Act 1946, of chiropodists, dietitians, medical laboratory technicians, occupational therapists, physiotherapists, radiographers or remedial gymnasts unless they are registered under the Professions Supplementary to Medicine Act 1960. In certain circumstances, which the regulations define, persons so employed on 29th June 1964 in connection with the provision of health or welfare services by or on behalf of local authorities are exempted from the requirement of registration.

1964 No. 941

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**
**The National Health Service (Speech Therapists)
Regulations 1964**

<i>Made - - - -</i>	<i>23rd June 1964</i>
<i>Laid before Parliament</i>	<i>29th June 1964</i>
<i>Coming into Operation</i>	<i>1st October 1964</i>

The Minister of Health, in exercise of the powers conferred on him by section 66 of the National Health Service Act 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the National Health Service (Speech Therapists) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

“employing authority” means (a) a Regional Hospital Board, in respect of appointments made on their behalf by a Hospital Management Committee, (b) the Board of Governors of a teaching hospital, and (c) a local health authority in their capacity as such authority.

“the Minister” means the Minister of Health.

(2) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. On and after 1st October 1964 no officer shall be employed as a speech therapist by an employing authority unless he holds one of the following qualifications :—

(1) he was on 31st March 1954 employed as a speech therapist by an employing authority, or by a Regional Hospital Board or local health authority or education authority in Scotland, or by the Northern Ireland Hospitals Authority or a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946(c), in Northern Ireland ; or

(2) he had on or before 31st March 1954 passed the qualifying examination of the College of Speech Therapists after attending a full-time day course of training at a school recognised by the College ; or

(3) he holds a certificate issued by the College of Speech Therapists

(i) certifying that he has attended a course of training, and passed an examination, approved by the Minister ; or

(ii) certifying that the said College are satisfied that he has, in a country or territory outside the United Kingdom attended a course of training and passed an examination, recognised by the College and approved by the Minister ; or

(a) 9 & 10 Geo. 6. c. 81.

(b) 52 & 53 Vict. c. 63.

(c) 1946 c. 19 (N.I.).

(4) his name is included in a List kept by the Minister of persons not qualified in accordance with the foregoing provisions of this regulation, who have satisfied him that their training and experience are adequate for employment as speech therapists ; or

(5) his name is included in any List of persons suitable for employment as speech therapists kept by the Secretary of State for Scotland, or the Minister of Health and Local Government for Northern Ireland.

4. The National Health Service (Medical Auxiliaries) Regulations 1954(a) and the National Health Service (Medical Auxiliaries) Regulations 1962(b) are hereby revoked.

Given under the official seal of the Minister of Health on 23rd June 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations revoke the National Health Service (Medical Auxiliaries) Regulations 1954 (as amended), which applied to certain classes of medical auxiliaries. The new regulations prescribe, in respect of speech therapists only, qualifications for employment in National Health Service hospitals or by local health authorities, identical with those in the revoked regulations. The National Health Service (Professions Supplementary to Medicine) Regulations 1964 (S.I. 1964/940) now prescribe the qualifications of the other classes to which the revoked regulations applied.

(a) S.I. 1954/55 (1954 I, p. 1365).

(b) S.I. 1962/2033 (1962 III, p. 2433).

1964 No. 942

EMERGENCY POWERS

The Hire-Purchase and Credit Sale Agreements (Control)
Order 1964

<i>Made</i>	24th June 1964
<i>Laid before Parliament</i>	1st July 1964
<i>Coming into Operation</i>	2nd July 1964

The Board of Trade in pursuance of the powers conferred upon them by Regulations 55 and 55AA of the Defence (General) Regulations 1939, as having effect by virtue of the Emergency Laws (Repeal) Act 1959(a), hereby order as follows:—

1.—(1) A person shall not dispose of any goods to which this Order applies in pursuance of a hire-purchase or credit sale agreement entered into after the 28th April 1960 (hereinafter called “the said date”), unless the requirements specified in Part I of Schedule 2 hereto are or have been complied with in relation to that agreement.

(2) In any proceedings for an alleged contravention of the provisions of this Article, in which it is alleged that, by virtue of the provisions of Part II of Schedule 2 hereto, the requirement specified in paragraph 3 of Part I of that Schedule was not complied with, it shall, in respect of that allegation, be a defence if the defendant shall prove that at the time of the alleged offence—

- (a) he had no reasonable cause to believe that money had been borrowed or otherwise acquired or agreed to be borrowed or otherwise to be acquired for the purpose and in the circumstances mentioned in the said Part II; and
- (b) he was not a party to any agreement or arrangement under or as a result of which money could be borrowed or otherwise acquired or agreed to be borrowed or otherwise to be acquired to facilitate the making of payments of the description mentioned in the said paragraph 3.

2. A person shall not, by virtue of a hire-purchase or credit sale agreement entered into after the said date, be in possession of any goods to which this Order applies unless—

- (a) that agreement complies with the requirements specified in paragraphs 1 and 2 of Part I of Schedule 2 hereto; and
- (b) a payment, complying at the date when the payment was made with the requirements specified in paragraph 3 of Part I of Schedule 2 hereto, was made by him before he entered into the first such agreement (entered into after the said date) under which he held those goods; and

(c) that agreement provides for the payment of the balance due in respect of each description of goods comprised therein either—

(i) by approximately equal instalments at equal intervals spread over a period, commencing with the date of the first such agreement (whether entered into before, on or after the said date) under which he held those goods, not exceeding the period specified in column 3 of Part I of Schedule 1 hereto in relation to that description of goods:

Provided that, where a hire-purchase or credit sale agreement has been varied by the lengthening or shortening of the period over which the balance due thereunder is payable, this sub-head shall be deemed to be complied with in respect of the remainder of that period if the balance remaining at the date of the variation is payable by approximately equal instalments at equal intervals spread over the remainder of that period, or

(ii) in the case of a hire-purchase agreement, by one payment to be made within the period of three months commencing with the date of the first such agreement (whether entered into before, on or after the said date) under which he held those goods.

3.—(1) A person shall not knowingly cause or permit any goods to which this Order applies, owned by him, to be in possession of another person by virtue of a hire-purchase agreement if the possession of those goods by that other person contravenes the provisions of Article 2 hereof.

(2) A person shall not knowingly cause or permit any goods to which this Order applies, owned by him immediately before he enters into a credit sale agreement, to be in possession of another person by virtue of any such agreement if the possession of those goods by that other person contravenes the provisions of Article 2 hereof.

4.—(1) A person shall not knowingly cause or permit another person to be in possession of any goods to which this Order applies in anticipation of the making of a hire-purchase or credit sale agreement in respect of those or other goods to which this Order applies unless, within 14 days of those goods being disposed of to that other person, that other person has made actual payment of an amount, calculated in respect of those goods in accordance with the provisions of paragraph (2) hereof, to the person who has disposed of the goods to him.

(2) The amount to be paid by a person by virtue of paragraph (1) hereof in respect of any goods shall be the percentage, specified in column 2 of Part I of Schedule 1 hereto in relation to the description of goods to which those goods belong, of the price at which, at the date when the goods were disposed of to him, he could have purchased them for cash.

(3) The provisions of Part II of Schedule 2 shall, with the requisite modifications, apply for the purpose of determining whether this Article has been complied with as they apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

(4) Any payment made by virtue of this Article or of the corresponding provision of the Orders hereby revoked shall not be repaid in whole or in part unless and until the goods in respect of which the payment was made have been returned to the person to whom it was made.

5.—(1) A person shall not enter into any agreement whereby any hire-purchase or credit sale agreement entered into after the said date comprising goods to which this Order applies is varied in either or both of the following respects, that is to say,—

(a) Any payment, made in accordance with the provisions of this Order or of the corresponding provisions of the Orders hereby revoked before the agreement was entered into, is affected ;

(b) the period over which the balance due thereunder is payable in respect of goods of any description is lengthened beyond the maximum period provided for in this Order for that description of goods.

(2) A person shall not enter into any agreement whereby a hire-purchase or credit sale agreement entered into whether before, on or after the said date is varied in such manner that that hire-purchase or credit sale agreement comprises after such variation goods to which this Order applies not comprised therein before such variation.

(3) A person shall not enter into any hire-purchase or credit sale agreement which is in substitution for another such agreement entered into whether before, on or after the said date and which—

(a) comprises all or some of the goods comprised in that other agreement ; and

(b) comprises goods to which this Order applies but not comprised in that other agreement.

6.—(1) Nothing in Articles 1 and 2 of this Order shall apply to the disposal or possession of any goods under any hire-purchase or credit sale agreement (hereinafter called “the substituted agreement”) if—

(a) the substituted agreement is in substitution for a hire-purchase or credit sale agreement, entered into between the same parties, in relation to which the conditions specified in Part II of Schedule 3 hereto are complied with (hereinafter called “the replaced agreement”), and

(b) the requirements specified in Part I of Schedule 3 hereto are or have been complied with in relation to the substituted agreement.

(2) Nothing in Article 5 of this Order shall prohibit the entering into of a substituted agreement if the conditions contained in heads (a) and (b) of paragraph (1) of this Article are complied with in relation to that agreement.

(3) Where a substituted agreement in relation to which the said conditions contained in heads (a) and (b) of paragraph (1) of this Article are complied with is entered into after the coming into operation of this Order the owner or seller, as the case may be, shall for as long as any amount is outstanding thereunder keep therewith the replaced agreement and the agreements, if any, which were to be kept with the last-mentioned agreement by virtue of paragraph (4) of this Article, or, where such substituted agreement is one of a series of such agreements entered into between the same parties, all earlier such substituted and replaced agreements in the series and such agreements, if any, which were required as aforesaid to be kept with any such earlier agreements.

(4) Where immediately before the coming into operation of this Order an owner or seller was required by virtue of the Orders hereby revoked to keep with a particular agreement other agreements he shall continue to

keep those other agreements with that particular agreement for as long as any amount is outstanding under the last-mentioned agreement.

7. In relation to any hire-purchase or credit sale agreement in pursuance of which any goods to which this Order applies are disposed of to, or by virtue of which any such goods are in the possession of,—

- (a) the spouse of a deceased person who at the date of his death was in possession of those goods under a hire-purchase or credit sale agreement, or
- (b) a body corporate to whom possession of those goods has been transferred in the course of the assignment of a business to that body corporate by any person who was at the date of transfer in possession of those goods under a hire-purchase or credit sale agreement,—

this Order shall have effect as if—

- (i) any payment made in accordance with the provisions of this Order or of the Orders hereby revoked in respect of those goods by the deceased or by the transferor, as the case may be, had been made by that spouse or that body corporate respectively ; and
- (ii) the maximum period prescribed by this Order for the payment of the balance due in respect of those goods were the period specified in column 3 of Part I of Schedule 1 in relation to goods of the appropriate description less the period commencing with the date of the making of the first agreement under which the deceased or the transferor as the case may be, was in possession of those goods, and terminating respectively with the date of death or transfer.

8.—(1) Nothing in this Order shall apply to the disposal of any goods vehicle in pursuance of a hire-purchase or credit sale agreement entered into after the 19th August 1963 if the hirer or purchaser under that agreement is in possession of a currently valid carrier's licence granted to him under Part IV of the Road Traffic Act 1960(a).

(2) Nothing in this Order shall apply to the possession by any person of any goods vehicle by virtue of a hire-purchase or credit sale agreement relating to that vehicle entered into after the 19th August 1963 if—

- (a) that person is in possession of a currently valid carrier's licence granted to him under Part IV of the Road Traffic Act 1960 ;
- (b) that vehicle is an authorised vehicle within the meaning of that Part of that Act in relation to that carrier's licence ; and
- (c) the requirements of Regulation 11(2) of the Goods Vehicles (Licences and Prohibitions) Regulations 1960(b) (which relates to the affixing to vehicles of identity certificates) are complied with in relation to that vehicle.

(3) For the purposes of this Article "goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods.

9.—(1) Nothing in this Order shall—

- (a) apply in relation to a credit sale agreement under which the property in all the goods passes unconditionally to the buyer on or before delivery of the goods to him and which provides for the whole of the

purchase price, or where part of that price is to be paid before the agreement is entered into, the balance, to be paid either by approximately equal instalments at equal intervals spread over a period of less than nine months commencing with the date of the agreement or by one payment to be made within the period of three months commencing with that date ;

(b) prohibit the doing of anything under the authority of a licence granted by the Board of Trade under this Article, and in accordance with any condition attached thereto ;

(c) apply to the possession by a person of goods by virtue of a hire-purchase or credit sale agreement if those goods have been disposed of to him under the authority of a licence granted by the Board of Trade under this Article.

(2) In any proceedings for an alleged contravention, in relation to any agreement,—

(a) of the provisions of Article 1, 2 or 3 of this Order, it shall be a defence if the defendant shall prove that—

(i) the hirer had before the said date entered into a contract in writing to buy the goods the subject of the agreement ;

(ii) the contract to buy was valid and enforceable on the said date ;

(iii) the goods were to be manufactured to the special order of the hirer ; and

(iv) work on the goods in fulfilment of the contract to buy had been begun before the said date ;

(b) of the provisions of Article 1 or 3 of this Order, it shall be a defence if the defendant shall prove that at the date of the disposal by him of the goods the subject of the agreement he had made all reasonable enquiries and was satisfied that the goods—

(i) were to be exported ; and

(ii) would be situated outside the United Kingdom for a period of not less than twenty-four months ;

(c) of the provisions of any Article other than Article 1 or 3 of this Order, it shall be a defence if the defendant shall prove that the goods the subject of the agreement—

(i) were, at the time of the alleged contravention, to be exported ; or

(ii) had, before the time of the alleged contravention, been situated outside the United Kingdom for a period of not less than twenty-four months since the date of the agreement.

10.—(1) The goods to which this Order applies are—

(a) goods (whether new or secondhand) of any of the descriptions specified in items 1 to 22 inclusive in Part I of Schedule 1 hereto not being goods of a description specified in Part II of that Schedule ;

(b) any other goods (including goods of any of the descriptions specified in Part II of Schedule 1) comprised in a hire-purchase or credit sale agreement with goods to which this Order applies by virtue of subparagraph (a) of this paragraph.

(2) In this Order—

“cash price” means, in relation to any hire-purchase or credit sale agreement in respect of any goods, the price at which the prospective hirer or buyer may, at the date of the agreement, purchase or agree to purchase the goods for cash ;

“credit sale agreement” means a contract of sale of goods under which the whole or part of the purchase price is payable by instalments ;

“dispose of” includes the disposal of—

(i) ownership, or any proprietary interest ; or

(ii) the right to possession ; or

(iii) possession, whether or not accompanied by any disposal of ownership or of any proprietary interest or of the right to possession ;

“hire-purchase agreement” means—

(i) in England and Wales and Northern Ireland, an agreement for the bailment of goods 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 where by virtue of two or more agreements (whether made between the same parties or not), none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods and either the bailee may buy the goods or 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) the agreements shall be treated for the purposes of this Order as a single agreement made at the time when the last of those agreements was made ;

(ii) in Scotland, a contract to which section 1(a) of the Hire Purchase and Small Debt (Scotland) Act 1932(a), applies or would apply if the limitation as to value contained in that section were omitted.

(3) The provisions of Part II of Schedule 2 hereto shall apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

11. The Orders specified in Schedule 4 hereto are hereby revoked :

Provided that any current licence granted thereunder shall continue to have effect as if it had been granted under this Order.

12. This Order may be cited as the Hire-Purchase and Credit Sale Agreements (Control) Order 1964, and shall come into operation on 2nd July 1964.

David Price,

Parliamentary Secretary to the
Board of Trade.

24th June 1964.

SCHEDULE 1

PART I

GOODS TO WHICH THIS ORDER APPLIES

Column 1 Description of Goods	Column 2 Minimum percentage of cash price Per cent.	Column 3 Maximum period for payment of balance Months
1. Radio receiving sets and television receiving sets (including portable sets and sets designed for use in road vehicles), whether or not assembled and whether or not complete, and parts thereof; television aerials, cathode ray tubes, loud speakers and television conversion units	10	36
2. Gramophones, radio-gramophones, record players and juke boxes, tape recorders and parts thereof	10	36
3. Space heating installations and appliances of a kind designed exclusively or mainly for domestic use, and parts thereof	10	36
4. Appliances and apparatus, whether mechanically operated or not, being appliances or apparatus of a kind designed exclusively or mainly for domestic use, and parts thereof, the following:—	10	36
Dish washers	10	36
Drying cabinets and drying machines	10	36
Washing machines and washers excluding washing machines and washers which are designed for heating water by electricity or gas but which are not otherwise designed for operation by electricity or gas	10	36
Ironing machines and irons	10	36
Wringers and mangles	10	36
Pressure cookers	10	36
Floor polishers	10	36
Vacuum cleaners	10	36
Water softeners	10	36
Refrigerators having a storage capacity not exceeding 12 cubic feet	10	36
Machines for mixing, extracting and preparation of food and drink	10	36
Electric kettles and other cooking utensils incorporating heating elements, including electric hotplates	10	36
Dry shavers, electrically operated	10	36
Sewing machines	10	36
Knitting machines	10	36
Hair drying machines	10	36
Electric blankets	10	36
Electric generating plant	10	36

Column 1 Description of Goods	Column 2 Minimum percentage of cash price Per cent.	Column 3 Maximum period for payment of balance Months
5. Photographic cameras and photographic enlargers and lenses therefor, projectors and other photographic equipment not designed specifically for industrial, scientific or commercial use	10	36
6. Binoculars, monoculars and telescopes ...	10	36
7. Lawnmowers and garden rollers	10	36
8. Clocks and watches	10	36
9. Furniture (including shop and office furniture and fittings, lamp standards, lamp shades and garden furniture) other than furniture of a specialized type unsuitable for domestic use; and floor coverings	10	36
10. Sink units and parts, baths, basins and bathroom fittings	10	36
11. Mattresses and overlays	10	36
12. Sectional sheds and garages and other sectional or prefabricated buildings	10	36
13. Trunks, bags and suitcases	10	36
14. Jewellery and imitation jewellery	10	36
15. Bicycles and tricycles not mechanically propelled	10	36
16. Caravans and trailers	10	36
17. Washing machines and washers which are designed for heating water by electricity or gas but which are not otherwise designed for operation by electricity or gas, including wash boilers and coppers	10	48
18. Cookers, including solid fuel cookers, designed exclusively or mainly for domestic use ...	10	48
19. Water heating appliances	10	48
20. (a) Mechanically propelled road vehicles constructed or adapted for the carriage of passengers or goods, and parts thereof (including chassis), mechanically propelled bicycles and tricycles (other than those described in head (d) of this item), and side-cars; excluding:— (i) vehicles constructed to carry not less than twelve passengers,		

Column 1 Description of Goods	Column 2 Minimum percentage of cash price Per cent.	Column 3 Maximum period for payment of balance Months
(ii) vehicles rated by the manufacturers to have a payload capacity of not less than 30 cwt. of goods,		
(iii) dumpers, and parts thereof (including chassis) ...	20	36
(b) Auxiliary units whereof the cylinder capacity does not exceed 50 cubic centimetres, designed or adapted for the propulsion of bicycles and tricycles	10	36
(c) Auxiliary units whereof the cylinder capacity exceeds 50 cubic centimetres, designed or adapted for the propulsion of bicycles and tricycles	20	36
(d) Mechanically propelled bicycles and tricycles whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, being bicycles and tricycles equipped with pedals by means whereof they are capable of being propelled ...	10	36
21. Aircraft, including gliders	10	36
22. Ships and boats	10	36
23. Goods of any description not specified in any other item in this Part comprised in a hire-purchase or credit sale agreement with goods of a description so specified.	The lowest percentage set out in this column in relation to goods, described in any other item, comprised in the agreement.	The longest period set out in this column in relation to goods, described in any other item, comprised in the agreement.

PART II

GOODS (BEING GOODS INCLUDED IN A DESCRIPTION OF GOODS IN PART I OF THIS SCHEDULE) TO WHICH THIS ORDER DOES NOT APPLY UNLESS WITHIN ITEM 23 OF THAT PART.

1. Ambulances.
2. Invalid carriages.
3. Vehicles specially constructed or adapted for disabled people.
4. Vehicles built to a specification designed to comply with the conditions of fitness laid down by the Assistant Commissioner for the purposes of the London Cab Order 1934(a).

5. Medical, surgical, dental and veterinary appliances, equipment and apparatus.

6. Seagoing ships constructed or adapted for the commercial transportation of goods or passengers, tugs and fishing vessels; and goods disposed of to any person as equipment for such a ship, tug or vessel owned or chartered by him.

7. Aircraft having a maximum total weight authorised exceeding 4,500 lb.

In this item "maximum total weight authorised" shall have the meaning assigned to it in Article 79(1) of the Air Navigation Order 1960(a).

8. Caravans having either or both of the following dimensions:—

an overall length (excluding any draw bar) exceeding 22 feet;

an overall width exceeding 7 feet 6 inches

In this item "overall length" and "overall width" shall have the meanings respectively assigned to them in Regulation 3 of the Motor Vehicles (Construction and Use) Regulations 1963(b).

SCHEDULE 2

PART I

1. The agreement is in writing.

2. The agreement contains in respect of each description of goods a statement of the cash price of the goods of that description comprised in the agreement and of any amount payable by instalments under the agreement for the installation or maintenance of those goods.

3.—(1) Before the agreement was entered into actual payment was made in respect of each description of goods comprised in the agreement of not less than an amount equal to the percentage specified in column 2 of Part I of the First Schedule hereto in relation to that description of goods of the aggregate of—

(a) the cash price of the goods of that description comprised in the agreement ;
and

(b) any amount payable by instalments under the agreement for the installation or maintenance of the goods of that description comprised in the agreement.

(2) In computing for the purposes of sub-paragraph (1) of this paragraph the total amount to be paid before any agreement is entered into account may be taken of any allowance for any goods taken in part exchange for goods comprised in that agreement, being an allowance which is reasonable in relation to the value of the goods so taken in part exchange:

Provided that this sub-paragraph shall not apply in respect of a hire-purchase or credit sale agreement, entered into after the coming into operation of this Order, which comprises wholly or partly any of the goods described in item 1 in Part I of Schedule 1 hereto or a radio-gramophone.

4. The agreement provides for the payment of the balance due in respect of each description of goods comprised therein either—

(a) by approximately equal instalments at equal intervals spread over a period commencing with the date of the agreement not exceeding that specified in column 3 of Part I of Schedule 1 hereto in relation to that description of goods; or

(b) in the case of a hire-purchase agreement, by one payment to be made within three months.

(a) S.I. 1960/972 (1960 I, p. 599).

(b) S.I. 1963/1646 (1963 III, p. 3095).

PART II

The requirement specified in paragraph 3 of Part I of this Schedule shall be deemed not to be complied with in relation to a hire-purchase or credit sale agreement if, for the purpose of facilitating the making of the payment mentioned in that paragraph or any part of that payment, money has been borrowed or otherwise acquired or agreed or arranged to be borrowed or otherwise to be acquired (whether by the person making the payment or by some other person) under or as a result of an agreement or arrangement to which one or more of the following persons are parties, that is to say,—

- (a) the person disposing of the goods under the hire-purchase or credit sale agreement ;
- (b) a person who has supplied or is to supply those goods to another person with a view to their being disposed of thereunder ;
- (c) the manufacturer of the goods to be disposed of thereunder.

SCHEDULE 3

PART I

1. The substituted agreement is in writing and was entered into before the date specified in the replaced agreement for payment of the final instalment under the replaced agreement and before all payments due thereunder were made in full.

2. The substituted agreement comprises some or all of the goods comprised in the replaced agreement.

3. The substituted agreement comprises goods which were not comprised in the replaced agreement and those goods are solely of any of the descriptions (other than floor coverings) specified in items 9 and 11 in Part I of Schedule 1 hereto.

4. The substituted agreement contains a statement of the cash price of those goods comprised in the substituted agreement which were not comprised in the replaced agreement and of the total amount payable in respect of those goods.

5. The substituted agreement (not being a second or later substituted agreement in a series of such agreements entered into between the same parties) was entered into after payment had been made in respect of the goods comprised in the replaced agreement of an amount equal to not less than 25 per cent. of the total amount payable in respect thereof.

6.—(1) Where the total amount payable in respect of all the goods comprised in the substituted agreement is in excess of the total amount payable in respect of all the goods comprised in the replaced agreement actual payment was made before the substituted agreement was entered into of the amount calculated by reference to the excess in accordance with sub-paragraph (2) of this paragraph in respect of the goods comprised in the substituted agreement.

Where the substituted agreement is one of a series of such agreements entered into between the same parties and the total amount payable in respect of all the goods comprised in any agreement in the series earlier than the replaced agreement is higher than the total amount payable in respect of all the goods comprised in the replaced agreement a payment shall only be required to be made under this sub-paragraph if the total amount payable in respect of all the goods comprised in the substituted agreement is in excess of such higher amount and in such case the payment required to be made hereunder shall be calculated accordingly.

(2) The amount required to be paid by virtue of sub-paragraph (1) of this paragraph shall be an amount equal to not less than 10 per cent. of that part of the cash price of all the goods comprised in the substituted agreement which

were not comprised in the replaced agreement which bears the same proportion to the whole of that cash price of those goods as the amount of the relevant excess mentioned in sub-paragraph (1) of this paragraph bears to the total amount payable in respect of those goods.

(3) The provisions of Part II of Schedule 2 hereto shall, with requisite modifications, apply for the purpose of determining whether this paragraph has been complied with as they apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

7. The substituted agreement provides for the payment of the total amount payable, or, where a payment is required to be made by virtue of paragraph 6 of this Schedule, the balance due, in respect of all the goods comprised therein by approximately equal instalments at equal intervals spread over a period not exceeding 36 months commencing with the date of the substituted agreement.

8. The amount of each instalment is not less than the amount of the instalment last due under the replaced agreement before the substituted agreement was entered into or, where the substituted agreement is in substitution for more than one agreement, not less than the aggregate of the instalments last due under each of the replaced agreements before the substituted agreement was entered into.

9. The intervals at which instalments are payable are not longer than the intervals at which the instalments were payable under the replaced agreement immediately before the substituted agreement was entered into or, where the substituted agreement is in substitution for more than one agreement, not longer than the shortest intervals at which the instalments were payable under any replaced agreement immediately before the substituted agreement was entered into.

PART II

1. The replaced agreement was entered into after 28th April 1960.
2. The replaced agreement comprised solely goods to which this Order applied.
3. All the requirements of this Order or of the Orders hereby revoked were complied with in relation to the replaced agreement.

SCHEDULE 4

The Hire-Purchase and Credit Sale Agreements (Control) Order 1960	S.I. 1960/762 (1960 I, p. 1350).
The Hire-Purchase and Credit Sale Agreements (Control) (Amendment No. 3) Order 1962	S.I. 1962/2311 (1962 III, p. 3201).
The Hire-Purchase and Credit Sale Agreements (Control) (Amendment No. 4) Order 1963	S.I. 1963/450 (1963 I, p. 521).
The Hire-Purchase and Credit Sale Agreements (Control) (Amendment No. 5) Order 1963	S.I. 1963/1403 (1963 II, p. 2413).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order supersedes the Hire-Purchase and Credit Sale Agreements (Control) Order 1960, as amended.

The principal change is that the deposit which has to be paid before a hire-purchase or credit sale agreement is entered into cannot be reduced by any allowance given for goods taken in part exchange if the agreement comprises a radio or television set or ancillary equipment or a radio-gramophone (Paragraph 3(2) of Part I of Schedule 2).

1964 No. 943

EMERGENCY POWERS**The Control of Hiring Order 1964**

<i>Made</i> - - - -	24th June 1964
<i>Laid before Parliament</i>	1st July 1964
<i>Coming into Operation</i>	2nd July 1964

The Board of Trade in pursuance of the powers conferred upon them by Regulation 55 of the Defence (General) Regulations 1939, as having effect by virtue of the Emergency Laws (Repeal) Act 1959(a), hereby order as follows :—

1.—(1) A person shall not dispose of any goods to which this Order applies in pursuance of an agreement to let those goods on hire entered into after the 28th April 1960 (hereinafter called “the said date”) unless the requirements specified in Part I of Schedule 2 hereto are or have been complied with in relation to that agreement and any related agreement.

(2) In any proceedings for an alleged contravention of the provisions of this Article, in which it is alleged that, by virtue of the provisions of Part II of Schedule 2 hereto, the requirement specified in paragraph 3 of Part I of that Schedule was not complied with, it shall, in respect of that allegation, be a defence if the defendant shall prove that at the time of the alleged offence—

(a) he had no reasonable cause to believe that money had been borrowed or otherwise acquired or agreed to be borrowed or otherwise to be acquired for the purpose and in the circumstances mentioned in the said Part II ; and

(b) he was not a party to any agreement or arrangement under or as a result of which money could be borrowed or otherwise acquired or agreed to be borrowed or otherwise to be acquired to facilitate the making of payments of the description mentioned in the said paragraph 3.

2. A person shall not be in possession of any goods to which this Order applies by virtue of an agreement to let those goods on hire entered into after the said date unless—

(a) that agreement and any related agreement complies with the requirements specified in paragraph 1 of Part I of Schedule 2 hereto ;

(b) a payment was made by him before he entered into that agreement complying with the requirement specified in paragraph 3 of Part I of Schedule 2 hereto (except where such a payment is not required by virtue of the proviso to the said paragraph 3) ;

(c) the terms of that agreement and of any related agreement are such as to comply with the requirements specified in paragraphs 2 and 4 of Part I of Schedule 2 hereto.

3. A person shall not knowingly cause or permit any goods to which this Order applies to be in possession of another person by virtue of an agreement to let those goods on hire if the possession of those goods by that other person contravenes the provisions of Article 2 hereof.

4.—(1) A person shall not knowingly cause or permit another person to be in possession of any goods to which this Order applies in anticipation of the making of a hiring agreement in respect of those goods or other goods to which this Order applies unless, within 14 days of those goods being disposed of to that other person that other person has made actual payment of an amount calculated in accordance with the provisions of paragraph (2) of this Article to the person who has disposed of the goods to him.

(2) The amount to be paid by a person by virtue of paragraph (1) of this Article in respect of any goods shall be the amount which that person would have been required to pay in accordance with the provisions of paragraph 3 of Part I of Schedule 2 hereto if he had entered into an agreement for the hire of those or similar goods with the person disposing of those goods in the ordinary course of business on the date when those goods were disposed of to him.

(3) The provisions of Part II of Schedule 2 hereto shall, with the requisite modifications, apply for the purpose of determining whether this Article has been complied with as they apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

(4) Any payment made by virtue of this Article or of the corresponding provision of the Orders hereby revoked shall not be repaid in whole or in part unless and until the goods in respect of which the payment was made have been returned to the person to whom it was made.

5.—(1) A person shall not dispose of any television receiving set in pursuance of an agreement to let that set on hire if he knows either—

(a) that payment of the amount of which actual payment is required to be made in respect of that agreement by paragraph 3 of Part I of Schedule 2 hereto, was facilitated by the insertion of coins in a slot meter or other device used for the purposes of operating, or otherwise in conjunction with, any other television receiving set which was disposed of, after 20th August 1963 and at any time during the period of nine months immediately preceding the making of that agreement, by that or any other person to the hirer under that agreement or to any other person ; or

(b) that such other television receiving set was so disposed of with the intention that such a payment in respect of that agreement would be so facilitated.

(2) Notwithstanding the provisions of Article 8 (1) hereof, the provisions of this Article shall apply whenever the other television receiving set was manufactured.

6.—(1) A person shall not enter into any agreement (including any renewal or extension of an agreement) whereby any agreement entered into after the said date to let on hire goods to which this Order applies or any related agreement is varied in any one or more of the following respects, that is to say,—

(a) any payment, made in accordance with the provisions of this Order or of the corresponding provisions of the Orders hereby revoked before the agreement was entered into, is affected ;

(b) any payment to be made thereunder is increased ;

(c) the periods in respect of which payments are to be made thereunder are varied :

Provided that nothing in this paragraph shall prohibit any person from entering into an agreement providing for the return on the termination of an agreement to let on hire goods to which this Order applies of the whole or part of any payment made in accordance with the provisions of this Order or of the corresponding provisions of the Orders hereby revoked before the last mentioned agreement was entered into.

(2) A person shall not enter into any agreement (including any renewal or extension of an agreement) whereby an agreement to let goods on hire entered into whether before, on or after the said date is varied in such manner that that agreement to let goods on hire comprises after such variation goods to which this Order applies not comprised therein before such variation.

7. A person who has disposed of goods to which this Order applies in pursuance of an agreement to let those goods on hire entered into after the said date shall not renew or extend that agreement if after such renewal or extension any rental payable is greater than the smallest rental payable before such renewal or extension.

8.—(1) Nothing in this Order shall apply to the disposal by any person of goods in pursuance of an agreement in writing to let those goods on hire, if those goods were manufactured not less than three years before the date on which the agreement was entered into.

(2) Nothing in this Order shall apply to the possession by any person of goods under an agreement to let those goods on hire if this Order does not, by virtue of paragraph (1) of this Article, apply to the disposal of those goods to him.

(3) Nothing in this Order shall—

(a) apply to the disposal of goods of any of the descriptions specified in items 1-4 of Schedule 1 hereto in pursuance of an agreement to let those goods on hire, the terms of which are such that the hirer will not be in possession on any premises of those goods for more than twelve days in any period of twenty-eight days, being goods in respect of which there is no other agreement for the hire of those goods under which another person may be in possession on the same premises of the goods during the whole or part of the remainder of the period of twenty-eight days ;

(b) apply to the possession by a person of goods of any of the descriptions specified in items 1-4 of Schedule 1 hereto under an agreement to let those goods on hire if that person is not in possession (whether under that agreement or otherwise) on any premises of those goods for more than twelve days in any period of twenty-eight days, and those goods are not during the whole or part of the remainder of the period of twenty-eight days in the possession on the same premises of any other person ;

(c) apply to the disposal of goods of the description specified in item 5 of Schedule 1 hereto in pursuance of an agreement to let those goods on hire for a period of not more than thirty days, if the total period during which the hirer will be in possession of those goods under that and any previous agreement to let those goods on hire entered into after the said date will not exceed thirty days in any period of twelve months ;

(d) apply to the possession by a person of any goods of the description specified in item 5 of Schedule 1 hereto under such an agreement, if

that person has not been in possession of those goods, under that or any previous agreement to let those goods on hire entered into after the said date, for more than thirty days in any period of twelve months ;

- (e) apply to the disposal of goods to, or the possession of goods by, an overseas visitor under an agreement to let those goods on hire ;
- (f) prohibit the doing of anything under the authority of a licence granted by the Board of Trade under this Article and in accordance with any condition attached thereto ; or
- (g) apply to the possession by a person of goods by virtue of an agreement to let those goods on hire if the person letting those goods on hire has disposed of them to the hirer under the authority of a licence granted by the Board of Trade under this Article.

9.—(1) Nothing in Article 1 of this Order shall prohibit the disposal of a mechanically propelled road vehicle in pursuance of an agreement in writing for a definite period of not less than one year to let that vehicle on hire which provides in relation to the mileage covered by that vehicle for payment of a rental or a charge for or in connection with any services to be performed in relation to that vehicle if

- (a) the said rental or charge or both of them together are payable only in respect of every mile covered by the vehicle in excess of a mileage specified in that agreement, being not less than 15,000 miles and being the mileage covered by the vehicle in any period of not more than one year while the vehicle is subject to that agreement, and
- (b) the requirements specified in paragraphs 2, 3 and 4 of Part I of Schedule 2 hereto are or have been complied with in relation to all other rentals and charges payable under that agreement or any related agreement.

(2) Nothing in Article 2 of this Order shall prohibit the possession by any person of any vehicle under an agreement to let that vehicle on hire if Article 1 of this Order does not, by virtue of paragraph (1) of this Article, prohibit the disposal of that vehicle to him.

10.—(1) Nothing in this Order shall apply to the disposal of any goods vehicle in pursuance of an agreement to let that vehicle on hire if the hirer under that agreement is in possession of a currently valid carrier's licence granted to him under Part IV of the Road Traffic Act 1960(a).

(2) Nothing in this Order shall apply to the possession by any person of any goods vehicle by virtue of an agreement to let that vehicle on hire if—

- (a) that person is in possession of a currently valid carrier's licence granted to him under Part IV of the Road Traffic Act 1960 ;
- (b) that vehicle is an authorised vehicle within the meaning of that Part of that Act in relation to that carrier's licence ; and
- (c) the requirements of Regulation 11(2) of the Goods Vehicles (Licences and Prohibitions) Regulations 1960(b) (which relates to the affixing to vehicles of identity certificates) are complied with in relation to that vehicle.

(3) For the purposes of this Article " goods vehicle " means a motor vehicle constructed or adapted for use for the carriage of goods.

(a) 8 & 9 Eliz. 2. c. 16.

(b) S.I. 1960/1505 (1960 III, p. 3020).

11.—(1) The goods to which this Order applies are goods (whether new or secondhand) of the descriptions specified in Schedule 1 hereto.

(2) In this Order—

“overseas visitor” means any person who is not ordinarily resident in the United Kingdom,

“related agreement” means, in relation to any agreement to let any goods on hire, any such other agreement in respect of those goods as is referred to in paragraph 3(b) of Part I of Schedule 2 hereto,

“rental” includes, in relation to any goods, any payment (howsoever payable) made wholly or partly for the possession or use, or possession and use, of the goods.

(3) The provisions of Part II of Schedule 2 hereto shall apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

(4) For the purposes of this Order an agreement to let on hire does not include a hire-purchase agreement as defined in Article 10 of the Hire-Purchase and Credit Sale Agreements (Control) Order 1964(a).

12.—(1) The provisions of Article 4 hereof shall not apply in relation to the possession of any goods by a person if those goods have been disposed of to him before the 20th January 1961 in anticipation of the making of a hiring agreement.

(2) The provisions of paragraph 2(f) of Part I of Schedule 2 hereto shall apply only in respect of agreements to let goods on hire entered into on or after the 20th January 1961.

13. The Orders specified in Schedule 3 hereto are hereby revoked:

Provided that any current licence granted thereunder shall continue to have effect as if it had been granted under this Order.

14. This Order may be cited as the Control of Hiring Order 1964 and shall come into operation on 2nd July 1964.

David Price,
Parliamentary Secretary to the
Board of Trade.

24th June 1964.

SCHEDULE 1

GOODS TO WHICH THIS ORDER APPLIES

DESCRIPTION OF GOODS

1. Radio receiving sets and television receiving sets (including portable sets and sets designed for use in road vehicles) whether or not assembled and whether or not complete; television aerials, cathode ray tubes, loud speakers and television conversion units.

2. Gramophones, radio-gramophones, record players and juke boxes, tape recorders.

3. Space heating installations and appliances of a kind designed exclusively or mainly for domestic use.

4. Appliances and apparatus, whether mechanically operated or not, being appliances or apparatus of a kind designed exclusively or mainly for domestic use, the following:—

Dish washers.

Drying cabinets and drying machines.

Washing machines and washers excluding washing machines and washers which are designed for heating water by electricity or gas but which are not otherwise designed for operation by electricity or gas.

Ironing machines and irons.

Wringers and mangles.

Pressure cookers.

Floor polishers.

Vacuum cleaners.

Water softeners.

Refrigerators having a storage capacity not exceeding 12 cubic feet.

Machines for mixing, extracting and preparation of food and drink.

Electric kettles and other cooking utensils incorporating heating elements, including electric hot-plates.

Dry shavers, electrically operated.

Sewing machines.

Knitting machines.

Hair drying machines.

5. Mechanically propelled road vehicles constructed or adapted for the carriage of passengers or goods, mechanically propelled bicycles and tricycles, and sidecars ; excluding—

(i) ambulances,

(ii) invalid carriages,

(iii) vehicles specially constructed or adapted for disabled people,

(iv) vehicles built to a specification designed to comply with the conditions of fitness laid down by the Commissioner of Police of the Metropolis for the purposes of the London Cab Order 1934(a),

(v) vehicles constructed to carry not less than twelve passengers,

(vi) vehicles rated by the manufacturers to have a payload capacity of not less than 30 cwt. of goods,

(vii) dumpers.

SCHEDULE 2

PART I

1. The agreement is in writing and is for a definite period of not less than three months or for an indefinite period.

2. The terms of the agreement are such that—

(a) the rentals for the hire of the goods comprised in the agreement are payable in respect of either weekly, monthly or quarterly periods ;

(b) the periods in respect of which the rentals are payable are either all weekly, all monthly or all quarterly ;

(c) the first such period commences on the date on which the agreement is entered into ;

(d) no rental payable in respect of any period after the expiry of three months from the date on which the agreement is entered into is greater than the smallest rental payable in respect of any period during the said three months ;

(e) the total amount of the rentals payable under the agreement in respect of each period is ascertainable at the date on which the agreement is entered into ; and

(f) no rental payable in respect of any period is less than 25 per cent of the highest rental payable in respect of any other period.

(a) S.R. & O. 1934/1346 (Rev. XIV, p. 795: 1934 I, p. 1221).

3.—(1) Before the agreement was entered into actual payment was made in respect of the goods comprised in the agreement of not less than the aggregate of—

- (a) all the rentals payable for the hire of those goods in respect of the period of three months from the date on which the agreement was entered into ; and
- (b) all the charges payable for or in connection with any services (other than the supply of electricity or gas by a corporation established by the Electricity Act 1947(a) or the Gas Act 1948(b)) to be performed in relation to those goods during the period of three months from the date on which the agreement was entered into, being charges payable under that agreement or under any other agreement made or intended to be made between the parties in relation to those goods or under any other agreement made or to be made in relation to those goods as a condition for entering into the agreement for the hire of those goods:

Provided that this sub-paragraph shall not apply to any agreement which is a renewal or extension of an agreement which was entered into for a definite period of not less than three months, and such renewal or extension takes effect immediately on the expiry of that period.

(2) In computing for the purposes of sub-paragraph (1) of this paragraph the amount of which actual payment is required before an agreement is entered into, account may be taken of any sum payable to the hirer by the person letting on hire the goods subject to the agreement on the sale to that person by the hirer of any other goods being respectively a sale made in consideration of the making of that hiring agreement and a sum which is reasonable in relation to the value of the goods sold:

Provided that this sub-paragraph shall not apply in respect of any agreement entered into after the coming into operation of this Order to let goods on hire which comprises wholly or partly any of the goods described in item 1 in Schedule 1 hereto or a radio-gramophone.

4. The terms of any agreement under which any charges referred to in head (b) of paragraph 3 of this Part of this Schedule are payable are such that—

- (a) the charges are payable in respect of either weekly, monthly or quarterly periods ;
- (b) the periods in respect of which the charges are payable are either all weekly, all monthly or all quarterly ;
- (c) the first such period commences on the date on which the agreement is entered into ;
- (d) no charge payable in respect of any period after the expiry of three months from the date on which the agreement is entered into is greater than the smallest charge in respect of any period during the said three months ; and
- (e) the total amount of the charges payable under the agreement in respect of each period is ascertainable at the date on which the agreement is entered into.

In this Part of this Schedule references to goods comprised in any agreement shall be construed as references to all the goods comprised in that agreement whether or not goods to which this Order applies.

PART II

The requirement specified in paragraph 3 of Part I of this Schedule shall be deemed not to be complied with in relation to an agreement to let goods on hire if, for the purpose of facilitating the making of the payment mentioned in that paragraph or any part of that payment, money has been borrowed or otherwise acquired or agreed or arranged to be borrowed or otherwise to be acquired (whether by the person making the payment or by some other person) under

or as a result of an agreement or arrangement to which one or more of the following persons are parties, that is to say—

- (a) the person disposing of the goods under the agreement to let the goods on hire ;
- (b) a person who has supplied or is to supply those goods to another person with a view to their being disposed of thereunder ;
- (c) the manufacturer of the goods to be disposed of thereunder.

SCHEDULE 3

The Control of Hiring Order 1960, S.I. 1960/763 (1960 I, p. 1315).

The Control of Hiring (Amendment) Order 1961, S.I. 1961/54 (1961 I, p. 107).

The Control of Hiring (Amendment No. 2) Order 1963, S.I. 1963/1402 (1963 II, p. 2411).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order supersedes the Control of Hiring Order 1960, as amended.

The principal changes are as follows:—

(1) The amount of rentals or charges which have to be paid before a hiring agreement is entered into cannot be reduced by any allowance given for goods sold in part exchange if the agreement comprises a radio or television set or ancillary equipment or a radio-gramophone (Paragraph 3(2) of Part I of Schedule 2); and

(2) A motor vehicle may be let on hire even though part of the rentals or charges are to be payable by reference to the mileage covered by the vehicle, if the agreement is for at least one year and those rentals or charges are to be calculated by reference to the mileage covered in excess of 15,000 miles in any period of one year or less (Article 9).

1964 No. 948 (S. 63)

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Importation of Plants (Scotland) Amendment Order 1964

Made - - - -	23rd June 1964
Laid before Parliament	1st July 1964
Coming into Operation	2nd July 1964

In exercise of the powers conferred upon me by section 1 of the Destructive Insects Act 1877(a), as amended by section 1 of the Destructive Insects and Pests Act 1907(b), and section 1 of the Destructive Insects and Pests Act 1927(c) respectively, and of all other powers enabling me in that behalf, I hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Importation of Plants (Scotland) Amendment Order 1964 and shall come into operation on 2nd July 1964, and shall be read as one with the Importation of Plants (Scotland) Order 1955(d), (hereinafter referred to as “the principal Order”). The principal Order, the Importation of Carnation Cuttings (Scotland) Order 1956(e), the Importation of Plants (Scotland) (Amendment) Order 1958(f), the Importation of Plants (Scotland) Amendment Order 1959(g), and this Order may be cited together as the Importation of Plants (Scotland) Orders 1955 to 1964.

Amendment of the principal Order

2. The principal Order is hereby amended as follows:—

(a) In Article 5 there shall be inserted after the words “(f) All species of the genus *Rosa*, from Australia, New Zealand or Italy” the words “(g) Florists’ chrysanthemums (*Chrysanthemum sinense* Sabine), carnations and pelargoniums from Spain, Greece, Crete, Cyprus and all places outside Europe except the American Continent and New Zealand.”

(b) In Article 7(1)—

- (i) the word “and” at the end of sub-paragraph (c) shall be deleted;
- (ii) there shall be added at the end of sub-paragraph (d) the word “and”; and
- (iii) at the end there shall be added the following sub-paragraph “(e) they have been examined by an authorised officer of the Phytopathological Service of the country where the plants were grown and found by him to be free from *Prodenia litura* F. and from *Prodenia littoralis* Boisd.”

Michael Noble,

One of Her Majesty’s Principal
Secretaries of State.

St. Andrew’s House,
Edinburgh, 1.

23rd June 1964.

(a) 40 & 41 Vict. c. 68. (b) 7 Edw. 7. c. 4. (c) 17 & 18 Geo. 5. c. 32.
 (d) S.I. 1955/405 (1955 II, p. 1850). (e) S.I. 1956/1924 (1956 II, p. 1743).
 (f) S.I. 1958/1275 (1958 II, p. 1879). (g) S.I. 1959/1589 (1959 II, p. 2071).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Importation of Plants (Scotland) Order 1955, by prohibiting the importation into Scotland (except under licence) of plants and cuttings of florists' chrysanthemum, carnation and pelargonium from certain countries and requiring all plants landed in Scotland to have been examined by an authorised officer of the Phytopathological Service of the country where they were grown and to have been found by him to be free from the insects *Prodenia litura* F. and *Prodenia littoralis* Boisd.

 STATUTORY INSTRUMENTS

1964 No. 949

INDUSTRIAL TRAINING**The Industrial Training (Iron and Steel Board)
Order 1964**

<i>Made -</i>	<i>24th June 1964</i>
<i>Laid before Parliament</i>	<i>2nd July 1964</i>
<i>Coming into Operation</i>	<i>3rd July 1964</i>

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with a body established for the purpose of carrying on under national ownership an industry in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Iron and Steel Board) Order 1964 and shall come into operation on 3rd July 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Iron and Steel Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the iron and steel industry the functions conferred on industrial training boards by the Act.

The membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 24th June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1**THE IRON AND STEEL INDUSTRY**

1. Subject to the provisions of this Schedule, the activities of the iron and steel industry are the following activities in so far as they are carried out in Great Britain:—

(a) the quarrying or mining of iron ore or the treatment or preparation of iron ore for smelting;

- (b) the smelting of iron ore in a blast furnace with or without other metalliferous materials, or the production of iron by any other process ;
 - (c) the production of steel by any process ;
 - (d) when carried out in association with any of the foregoing activities—
 - (i) the quarrying of limestone ;
 - (ii) the production of coke ;
 - (iii) the casting of iron or steel by any process ;
 - (iv) the production with or without heat of any iron or steel forgings ;
 - (v) the annealing or heat treatment of steel ;
 - (e) the rolling, with or without heat, of iron or steel products for the purpose of reducing the cross-sectional area thereof ;
 - (f) the production from iron or steel of bright bars, hot finished tubes or hot finished pipes ;
 - (g) the production of tinplate, terneplate, iron or steel wire, or steel wire ropes ;
 - (h) when carried out in association with any of the foregoing activities the production of galvanised or other coated steel sheets ;
 - (i) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—
 - (i) research, development, design or drawing ;
 - (ii) operations in connection with sale, packing, warehousing, distribution or transport ;
 - (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage ;
 - (j) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.
2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the iron and steel industry—
- (a) the supply of food or drink for immediate consumption ;
 - (b) the activities of any establishment engaged mainly in one or more activities not included in paragraph 1 of this Schedule.

3.—(1) In this Schedule—

- (a) “company”, “holding company” and “subsidiary” have the same meanings as in section 154 of the Companies Act 1948(a) ;
- (b) “iron” and “steel” include respectively alloy iron and alloy steel containing in each case more than fifty-five per cent. of pure iron by weight ;
- (c) “production” includes any process or operation incidental or appertaining to production.

(2) For the purposes of this Schedule an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister ; or

(b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties ;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting ; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I.....of.....in the county
of.....being a member of the Iron and Steel Industry Training
Board appointed as mentioned in paragraph 3(a) of the Schedule to the
Industrial Training Act 1964, hereby appoint.....of
..... or failing him.....of
.....as my proxy to vote for me on my behalf on any
matter relating to the imposition of a levy at the meeting of the said
Board to be held on the.....day of.....19...
and at any adjournment thereof.

Signed this.....day of19...

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Iron and Steel Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

 STATUTORY INSTRUMENTS

1964 No. 950

WAGES COUNCILS**The Wages Regulation (Retail Food) (Scotland)
Order 1964**

<i>Made</i> - - - -	24th June 1964
<i>Coming into Operation</i>	27th July 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Food Trades Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Food) (Scotland) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 27th July 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Food) (Scotland) Order 1962(c), shall cease to have effect.

Dated 24th June 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1962/2792 (1962 III, p. 4002).

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration set out in the Wages Regulation (Retail Food) (Scotland) Order 1962(a) (hereinafter referred to as "Order R.F.C.S. (29)").

PART I

STATUTORY MINIMUM REMUNERATION APPLICATION

1. Subject to the provisions of paragraphs 6, 7, 11 and 12, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4 and 5.

Any increase in remuneration payable under the provisions of paragraph 4 or 5 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

SHOP MANAGERS AND SHOP MANAGERESSES

2. Subject to the provisions of this paragraph, the minimum remuneration payable to Shop Managers and Shop Manageresses shall be the amount appearing in Column 2 of the following table against the amount of weekly trade shown in Column 1.

Column 1								Column 2		
Weekly Trade								Shop Manageresses All Areas	Shop Managers All Areas	
								per week s. d.	per week s. d.	
Under £50	...	...	...	...	...	...	159	6	199	6
£50 and under	£60	...	...	...	...	...	162	6	199	6
£60	"	"	"	"	"	"	165	6	199	6
£70	"	"	"	"	"	"	167	6	199	6
£80	"	"	"	"	"	"	170	6	199	6
£90	"	"	"	"	"	"	172	6	199	6
£100	"	"	"	"	"	"	180	6	207	6
£110	"	"	"	"	"	"	183	6	209	6
£120	"	"	"	"	"	"	185	6	211	6
£130	"	"	"	"	"	"	187	6	213	6
£140	"	"	"	"	"	"	188	6	215	6
£150	"	"	"	"	"	"	189	6	216	6
£160	"	"	"	"	"	"	190	6	218	6
£170	"	"	"	"	"	"	192	6	219	6
£180	"	"	"	"	"	"	193	6	220	6
£190	"	"	"	"	"	"	194	6	221	6
£200	"	"	"	"	"	"	197	6	225	6
£210	"	"	"	"	"	"	199	6	227	6
£220	"	"	"	"	"	"	200	6	228	6
£230	"	"	"	"	"	"	201	6	229	6
£240	"	"	"	"	"	"	202	6	230	6
£250	"	"	"	"	"	"	203	6	231	6
£260	"	"	"	"	"	"	204	6	232	6
£270	"	"	"	"	"	"	205	6	233	6
£280	"	"	"	"	"	"	206	6	234	6
£290	"	"	"	"	"	"	207	6	235	6
£300	"	"	"	"	"	"	212	0	240	6
£310	"	"	"	"	"	"	213	0	241	6
£320	"	"	"	"	"	"	214	0	242	6
£330	"	"	"	"	"	"	215	0	243	6
£340	"	"	"	"	"	"	216	0	244	6
£350	"	"	"	"	"	"	217	0	245	6
£370	"	"	"	"	"	"	218	0	246	6
£390	"	"	"	"	"	"	219	0	247	6
£410	"	"	"	"	"	"	220	0	248	6
£430	"	"	"	"	"	"	221	0	249	6
£450	"	"	"	"	"	"	222	0	250	6
£470	"	"	"	"	"	"	223	0	251	6
£490	"	"	"	"	"	"	224	0	252	6
£500	"	"	"	"	"	"	225	0	253	6
£510	"	"	"	"	"	"	226	0	254	6
£530	"	"	"	"	"	"	227	0	255	6
£550	"	"	"	"	"	"	228	0	256	6
£570	"	"	"	"	"	"	229	0	257	6
£590	"	"	"	"	"	"	230	0	258	6
£600	"	"	"	"	"	"	231	0	259	6
£610	"	"	"	"	"	"	232	0	260	6
£630	"	"	"	"	"	"	233	0	261	6
£650	"	"	"	"	"	"	234	0	262	6
£670	"	"	"	"	"	"	235	0	263	6
£690	"	"	"	"	"	"	236	0	264	6

Column 1								Column 2			
Weekly Trade								Shop Manageresses All Areas	Shop Managers All Areas		
								per week s. d.	per week s. d.		
£700 and under	£710	...	...	...	...	...	...	237	0	265	6
£710	"	"	£730	...	...	...	...	238	0	266	6
£730	"	"	£750	...	...	...	...	239	0	267	6
£750	"	"	£770	...	...	...	...	240	0	268	6
£770	"	"	£790	...	...	...	...	241	0	269	6
£790	"	"	£800	...	...	...	...	242	0	270	6
£800	"	"	£810	...	...	...	...	243	0	271	6
£810	...	...	...	...	...	...	...	244	0	272	6

For Shop Managers and Shop Manageresses employed in shops with weekly trade in excess of £810 per week there shall be added to the above amounts of weekly remuneration for Shop Managers and Shop Manageresses employed in shops with a weekly trade of £810, one shilling for every additional complete £20 of weekly trade.

For the purposes of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

For the 26 pay weeks beginning with the fifth pay week following the last Saturday in February in any year, or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the last Saturday in February in that year and for the 26 pay weeks in any year immediately following (hereinafter called the "second period"), or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts in respect of goods sold at that shop during the 52 weeks immediately preceding the last Saturday in August of the same year as that in which the second period begins:

Provided that, so long as a shop has been under management for less than 52 weeks immediately preceding the last Saturday in February in any year or the last Saturday in August in any year, as the case may be, the weekly trade of that shop, for the purpose of calculating the weekly minimum remuneration payable in any pay week under the foregoing table, shall until such period of 52 weeks has elapsed be the amount of the total receipts in respect of goods sold at that shop in the week immediately preceding such pay week and for the purpose of calculating such weekly minimum remuneration as aforesaid payable in respect of each of the first two pay weeks during which a shop is under management the weekly trade of that shop shall be the amount of the total receipts for goods sold thereat in the first week during which the shop is under management.

**TEMPORARY SHOP MANAGERS AND
TEMPORARY SHOP MANAGERESSES**

3.—(1) Subject to the provisions of this paragraph, the minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses during any of the periods of employment in Column 1 shall be at the rate appearing in Column 2 of the following table:—

Column 1	Column 2	
Continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress	Temporary Shop Manageresses All Areas	Temporary Shop Managers All Areas
	per week s. d.	per week s. d.
(a) during the first two weeks	156 0	203 6
(b) during the third and fourth weeks	163 6	216 0
(c) thereafter	the appropriate minimum remuneration for a Shop Manager or Shop Manageress, as the case may be, under the provisions of paragraph 2.	

Provided that where a Temporary Shop Manageress takes charge of a shop managed by a Shop Manager the weekly minimum remuneration payable to the Temporary Shop Manageress during the periods of employment in Column 1 shall be at the rate appearing in Column 2 of the following table:—

Column 1	Column 2
Continuous period of employment as Temporary Shop Manageress	Temporary Shop Manageresses All Areas
	per week s. d.
(i) during the first two weeks	161 0
(ii) during the third and fourth weeks	171 0
(iii) thereafter	the appropriate minimum remuneration for a Shop Manageress under the provisions of paragraph 2.

(2) For the purposes of this paragraph where a worker commences a period of employment as a Temporary Shop Manager or Temporary Shop Manageress within six months of the termination of such a period of employment at the same shop, the two periods of employment shall be treated as continuous.

**WORKERS OTHER THAN SHOP MANAGERS, SHOP MANAGERESSES,
TEMPORARY SHOP MANAGERS, TEMPORARY SHOP MANAGERESSES,
CENTRAL TRANSPORT WORKERS AND RETAIL TRANSPORT
WORKERS**

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the following table employed in Area 1 or Area 2, as the case may be, shall be the appropriate amount set out in Column 2:—

Column 1	Column 2			
	Male Workers		Female Workers	
	Area 1	Area 2	Area 1	Area 2
	per week s. d.	per week s. d.	per week s. d.	per week s. d.
(1) CLERKS GRADE I other than those referred to in (2) of this paragraph, CLERKS GRADE II, SHOP ASSISTANTS, CENTRAL WAREHOUSE WORKERS, TRANSPORT WORKERS (other than those referred to in paragraph 5) and all other workers being workers aged:—				
15 and under 16 years	85 6	81 0	71 0	68 0
16 " " 17 "	91 6	87 0	75 0	71 0
17 " " 18 "	97 6	93 0	80 0	76 0
18 " " 19 "	119 0	113 0	94 0	89 0
19 " " 20 "	132 0	124 0	101 0	95 0
20 " " 21 "	143 0	134 0	110 0	104 0
21 " " 22 "	168 0	157 0	124 6	117 0
22 years or over	191 0	179 0	140 6	132 0
(2) CLERKS GRADE I aged 23 years or over	195 0	183 0	143 6	135 0

CENTRAL TRANSPORT WORKERS AND RETAIL TRANSPORT WORKERS

5. Subject to the provisions of paragraph 1, the minimum remuneration payable to Central Transport Workers and Retail Transport Workers employed in Area 1 or Area 2, as the case may be, on the types of vehicle described in Column 2 of the following table, shall be the appropriate amount set out in Column 3:—

Column 1	Column 2		Column 3	
Age of transport worker	Type of vehicle		Area 1	Area 2
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle		
(1) CENTRAL TRANSPORT WORKERS				
21 years or over	} 1 ton or less	One-horse	per week	per week
20 and under 21 years			s. d.	s. d.
19 " " 20 "			191 0	179 0
18 " " 19 "			158 9	150 9
Under 18 years			146 9	139 9
All ages... ..	Over 1 ton up to 2 tons	Two-horse	133 0	127 0
	Over 2 tons up to 5 tons	—	112 9	108 3
	Over 5 tons	—	194 0	182 0
			194 0	182 0
			198 0	186 0
(2) RETAIL TRANSPORT WORKERS				
All ages... ..	Over 1½ tons up to 2 tons	Two-horse	191 0	179 0
	Over 2 tons up to 5 tons	—	191 0	179 0
	Over 5 tons	—	195 0	183 0

MINIMUM OVERTIME RATES

6. Subject to the provisions of this paragraph, overtime shall be payable at the following minimum rates:—

(1) For employment on a Sunday—

(a) Where the worker is required to work in connection with the preservation of perishable goods—

- (i) where time worked does not exceed
2 hours double time for 2 hours
- (ii) where time worked exceeds 2
hours—for all time worked double time

(b) Where the worker is required to work for any reason other than that referred to in (a) of this sub-paragraph—

- (i) where time worked does not exceed
4 hours double time for 4 hours
- (ii) where time worked exceeds 4
hours—for all time worked double time

(2) In any week, exclusive of any time

- (a) in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph ;
- (b) in respect of which a special time rate is payable under the provisions of paragraph 7 ;
- (c) worked on a customary holiday ; or
- (d) worked immediately after the closing of the shop to the public not exceeding 15 minutes on any one day or one hour in the aggregate in any week ;

for all time worked in excess of 44 hours ... time-and-a-half :

Provided that in any week which includes one customary holiday the period of 44 hours shall be reduced by 8 hours and, in any week which includes two customary holidays, by 16 hours.

Overtime rates in accordance with the foregoing provisions of this paragraph shall be payable to a Shop Manager or Shop Manageress only if the overtime worked is specifically authorised by the employer or his representative.

SPECIAL TIME

7. The following special time rate shall be payable to a worker who is a shop assistant within the meaning of the Shops Act 1950(a)—

On the worker's weekly half day, where, under section 40 of the Shops Act 1950, the employer is relieved of his obligation to allow the worker a weekly half day—

for all time worked after 1.30 p.m. ... double time.

WAITING TIME

8. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

- (1) without the employer's consent, express or implied ;
- (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform ;
- (3) by reason only of the fact that he is resident thereon : or
- (4) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

9. Where a worker is not required to work on a customary holiday he shall be paid for the customary holiday not less than the amount to which he would have been entitled under the arrangement current immediately prior to the holiday had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS WHO WORK ON A CUSTOMARY HOLIDAY

10. Where a worker works on a customary holiday he shall be paid not less than the amount to which he would have been entitled under the arrangement current immediately prior to the holiday had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week, and, in addition
- (1) for any time worked not exceeding 2 hours ... double time for 2 hours
 - (2) for any time worked in excess of 2 hours
but not in excess of 8 hours hourly rate
 - (3) for all time worked in excess of 8 hours ... double time.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

- 11.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration: Provided that the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with sub-paragraph (3) of this paragraph) is capable of and available for work.
- (2) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3, 4 or 5 for 44 hours' work in his usual occupation.
- (3) Where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

HOURS ON WHICH REMUNERATION IS BASED

- 12.—(1) The minimum remuneration specified in this Part of this Schedule relates to a week of 44 hours exclusive of overtime, and, except as provided in paragraph 11 (which deals with guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 8 (which relates to waiting time), be excluded.

PART II
ANNUAL HOLIDAY AND HOLIDAY REMUNERATION
ANNUAL HOLIDAY

- 13.—(1) Subject to the provisions of paragraph 14, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 20) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday
12 months	12 days
Not less than 11 months but less than 12 months	11 "
" " " 10 " " " " 11 "	10 "
" " " 9 " " " " 10 "	9 "
" " " 8 " " " " 9 "	8 "
" " " 7 " " " " 8 "	7 "
" " " 6 " " " " 7 "	6 "
" " " 5 " " " " 6 "	5 "
" " " 4 " " " " 5 "	4 "
" " " 3 " " " " 4 "	3 "
" " " 2 " " " " 3 "	2 "
" " " 1 month " " " 2 "	1 day

- (2) Notwithstanding the provisions of the last foregoing sub-paragraph—
- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;
- (b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the first day of January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;
- (c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.F.C.S. (29) between 1st April 1964 and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression "holiday season" means, in relation to an annual holiday during the year 1964, the period commencing on 1st April 1964 and ending on 31st October 1964, and, in relation to each subsequent year, the period commencing on 1st April and ending on 31st October in that year.
14. Where at the written request of the worker at any time during the three months immediately preceding the commencement of the holiday season in any year, his employer allows him any day or days of annual holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 17 and 18, then

- (1) the annual holiday to be allowed in accordance with paragraph 13 in the holiday season in that year shall be reduced by the day or days of annual holiday so allowed prior to the commencement of that holiday season ; and
 - (2) for the purpose of calculating accrued holiday remuneration under paragraph 19 any day or days of annual holiday deducted in accordance with sub-paragraph (1) hereof shall be treated as if they had been allowed in the holiday season.
- 15.—(1) Subject to the provisions of this paragraph an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days ; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
 - (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
 - (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(b) of paragraph 13.
 - (5) No day of annual holiday shall be allowed on a customary holiday.
 - (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959.
16. An employer shall give to a worker not later than the first day of April in each year notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 17.—(1) Subject to the provisions of paragraph 18, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

18. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 19 of this Schedule or with Order R.F.C.S. (29)) in respect of employment during either or both of the periods referred to in paragraph 19, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period or periods shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.F.C.S. (29).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

19. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

- (1) in respect of employment occurring in the 12 months up to and including 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct connected with his employment and is so informed by the employer at the time of dismissal;
- (b) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 14) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday;
- (c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment:—
 - (i) without having given not less than one week's notice, or
 - (ii) before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to one day's holiday pay multiplied in the case of (i) by the number of days constituting the worker's normal working week or, in the case of (ii), by the number of days which at the termination of the employment would complete a normal working week commencing at the beginning of the notice.

CALCULATION OF EMPLOYMENT

20. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

21. For the purposes of this Schedule—

- “AREA 1” and “AREA 2” have the meanings respectively assigned to them in paragraph 22.
- “CARETAKER” means a worker wholly engaged in guarding the employer’s premises for the prevention of theft, fire, damage or trespass.
- “CARRYING CAPACITY” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.
- “CENTRAL TRANSPORT WORKER” means a worker engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods from any receiving point to a Central Warehouse or Depot or from any Central Warehouse or Depot to Shops and on work in connection with the vehicle and its load (if any) while on the road.
- “CENTRAL WAREHOUSE WORKER” means a worker wholly or mainly employed in a Central Warehouse, that is to say, a warehouse from which an undertaking in the retail food trades supplies its branch shops.
- “CLERK GRADE I” means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.
- “CLERK GRADE II” means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.
- “CUSTOMARY HOLIDAY” means New Year’s Day (or, if New Year’s Day falls on a Sunday, the following Monday), the local Spring Holiday, the local Autumn Holiday, Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday), two other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker and any day proclaimed as a public holiday throughout Scotland.
- “FULL-TIME WORKER” means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.
- “HOURLY RATE” means the amount obtained by dividing by 44 the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2, 3, 4 or 5 and “TIME-AND-A-HALF” and “DOUBLE TIME” mean, respectively, one and a half times and twice that rate.
- “MONTH” means “calendar month”.
- “ONE DAY’S HOLIDAY PAY” means one-sixth of the amount which the worker would be entitled to receive from his employer for a week’s work under the arrangement current immediately prior to the annual holiday, or the termination date, as the case may be, if he worked his normal working week and the daily number of hours normally worked by him (exclusive of overtime).
- “RETAIL TRANSPORT WORKER” means a worker engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods to the consumer and on work in connection with the vehicle and its load (if any) while on the road.

“SHOP ASSISTANT” means (except in paragraph 7) a worker (other than a Clerk Grade I or a Clerk Grade II) wholly or mainly employed in or about the business of a shop or undertaking engaged—

(1) wholly or mainly in the retail food trades ; or

(2) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix to paragraph 23, and to a greater extent in the retail food trades than in any one of those groups.

“SHOP MANAGER”, “SHOP MANAGERESS” means the worker, other than a temporary shop manager or temporary shop manageress, who is employed at and is in charge of the shop and who has supervision of other workers (if any) employed at the shop.

“TEMPORARY SHOP MANAGER”, “TEMPORARY SHOP MANAGERESS” means a worker who, during the temporary absence (for a period of not less than one day) of a shop manager or shop manageress, carries out the duties of the shop manager or shop manageress, whilst the worker is so carrying out the duties of a shop manager or shop manageress.

“WEEK” means the period of six days commencing at midnight on any Sunday and ending at midnight on the following Saturday.

“WEEKLY HALF DAY” means that day in any week on which a worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon.

AREAS

22. In this Schedule—

(1) “AREA 2” means all areas other than those defined in sub-paragraph (2) of this paragraph.

(2) “AREA 1” means—

(a) all Burghs which, according to the Annual Report of the Registrar-General for Scotland for 1946, had a population of ten thousand or more ;

(b) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton ; and Larbert in the County of Stirling ;

(c) the following areas the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely Bellshill and Mossend, Blantyre, Cambuslang, Larkhall, and Holytown, New Stevenston and Carfin, all in the County of Lanark ; and

(d) the following Burghs—

ANGUS COUNTY	FIFE COUNTY	ROSS AND CROMARTY COUNTY
Brechin	Burntisland	Stornoway
Forfar	Leven	
ARGYLL COUNTY	Lochgelly	
Dunoon	St. Andrews	STIRLING COUNTY
AYR COUNTY		Denny and Dunipace
Ardrossan	KINCARDINE COUNTY	Kilsyth
Largs	Stonehaven	
Troon	LANARK COUNTY	WEST LOTHIAN COUNTY
BANFF COUNTY	Lanark	Armadale
Buckie	MIDLOTHIAN COUNTY	Bo'ness
BUTE COUNTY	Dalkeith	
Rothesay	ORKNEY COUNTY	WIGTOWN COUNTY
DUNBARTON COUNTY	Kirkwall	Stranraer
Helensburgh	RENFREW COUNTY	ZETLAND COUNTY
Milngavie	Gourock	Lerwick
EAST LOTHIAN COUNTY		
North Berwick		

WORKERS TO WHOM THIS SCHEDULE APPLIES

23.—(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in Scotland in any undertaking or any branch or department of an undertaking being an undertaking, branch or department engaged—

(a) wholly or mainly in the retail food trades ; or

(b) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail food trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this paragraph

(a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades ;

(b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(i) workers in relation to whom any Wages Council operates (other than the Retail Food Trades Wages Council (Scotland)) in respect of any employment which is for the time being within the field of operation of that Wages Council ;

(ii) workers employed on post office business ;

(iii) workers for whom minimum rates of wages are fixed by the Scottish Agricultural Wages Board ;

(iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners) ;

(v) workers employed in any ship (which includes every description of vessel used in navigation) ;

(vi) workers employed as caretakers.

(3) For the purpose of this Schedule the retail food trades do not include the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption, but save as aforesaid consist of the sale by retail of food or drink for human consumption and operations connected therewith including:—

(i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail ;

(iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) of this sub-paragraph ; and

(iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) of this sub-paragraph ;

and for the purpose of this definition " sale by retail " includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

APPENDIX TO PARAGRAPH 23

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Furnishing and Allied Trades, that is to say—

(1) the sale by retail of:—

(a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures ;

(b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements ;

(c) hand tools ;

(d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments ;

(e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof ;

(f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof ;

(g) radio and television sets and their accessories and component parts ;

(h) pedal cycles and their accessories and component parts ;

(i) perambulators, push chairs and invalid carriages ;

(j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing ;

(k) saddlery, leather goods (other than articles of wearing apparel), travel goods and ladies' handbags ;

(l) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils) ;

(m) brushes, mops and brooms, used for household purposes, and similar articles ;

(n) disinfectants, chemicals, candles, soaps and polishes of kinds commonly used for household purposes ;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 2. The Retail Drapery, Outfitting and Footwear Trades, that is to say—

(1) the sale by retail of:—

(a) wearing apparel of all kinds (including footwear, headwear and hand-wear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery) ;

(b) haberdashery ;

(c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering) ;

(d) knitting, rug, embroidery, crochet and similar wools or yarns ;

(e) made-up household textiles (but excluding mattresses and floor coverings) ;

(f) umbrellas, sunshades, walking sticks, canes and similar articles ;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 3. The Retail Bookselling and Stationery Trades, that is to say—

(1) the sale by retail of the following articles:—

(a) books (excluding printed music and periodicals) ;

(b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record ;

(c) pens, pencils, ink, blotting paper and similar articles ;

(d) maps and charts ;

(e) wrapping and adhesive paper, string, paste and similar articles ;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

- (1) the sale by retail of the following articles:—
 - (a) newspapers, magazines and other periodicals ;
 - (b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;
 - (c) articles of sugar confectionery and chocolate confectionery, and ice-cream :
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 27th July 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Retail Food) (Scotland) Order 1962 (Order R.F.C.S. (29)), which is revoked.

New provisions are printed in italics.

1964 No. 951

PROFESSIONS SUPPLEMENTARY TO MEDICINE

**The Professions Supplementary to Medicine
(Disciplinary Proceedings) Legal Assessor Rules 1964***Made - - - - - 24th June 1964**Coming into Operation 13th July 1964*

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 8 of, and Schedule 2, Part II, paragraph 4, to, the Professions Supplementary to Medicine Act 1960(a), hereby make the following Rules:—

1. These Rules may be cited as the Professions Supplementary to Medicine (Disciplinary Proceedings) Legal Assessor Rules 1964, and shall come into operation on 13th July 1964.

2.—(1) In these Rules—

- (a) “the Act” means the Professions Supplementary to Medicine Act 1960;
- (b) “Board” means a Board constituted in accordance with the provisions of the Act;
- (c) “the Committee” means a Disciplinary Committee set up by a Board in accordance with the provisions of section 8 of the Act;
- (d) “Legal Assessor” means an assessor appointed under the provisions of paragraph 4 of Schedule 2 to the Act; and
- (e) “the Register” means a register maintained by a Board in accordance with section 2 of the Act.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. It shall be the duty of the Legal Assessor to be present at all proceedings before the Committee relating to the removal of a person's name from the Register, or the restoration of the name of a person whose name had been removed from the Register, and to advise the Committee on any questions of law and the admission of evidence arising in the proceedings which they may refer to him.

4. It shall be the duty of the Legal Assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before them which may come to his knowledge and to advise them of his own motion where it appears to him that, but for such advice, there is a possibility of a mistake of law being made.

5. The advice of the Legal Assessor shall be tendered to the Committee in the presence of every party, or person representing a party, to the proceedings who appears thereat:

Provided that, if, in the case of any question referred by the Committee to the Legal Assessor while the Committee are deliberating in private, the Committee consider that it would be prejudicial to the discharge of

(a) 8 & 9 Eliz. 2. c. 66.

(b) 52 & 53 Vict. c. 63.

their duties for the advice to be tendered in the presence of the said parties or their representatives, it may be tendered in their absence, but the Legal Assessor shall, as soon as may be, personally inform them of the question which has been put to him by the Committee and of his advice thereon, and his advice shall subsequently be put in writing and a copy thereof shall be given to every such party or representative.

6. If on any occasion the Committee do not accept the advice of the Legal Assessor, a record shall be made of the question referred to him, of the advice given and of the refusal to accept it (together with the reasons for such refusal), and a copy of the record shall be given to every party, or person representing a party, to the proceedings who appears thereat.

7. Copies of written advice made for the purposes of either of the last two foregoing Rules shall be available on application to every party to the proceedings who does not appear thereat.

Dated 24th June 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the functions of the Legal Assessor, appointed under paragraph 4 of Schedule 2 to the Professions Supplementary to Medicine Act 1960, to give advice on questions of law arising in disciplinary cases before them to Disciplinary Committees set up by the Boards of the professions covered by the Act.

 STATUTORY INSTRUMENTS

1964 No. 952

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Certificates of Competency as A.B.)
(Amendment) Regulations 1964**

Made - 24th June 1964
Coming into Operation 1st July 1964

The Minister of Transport in exercise of his powers under section 5 of the Merchant Shipping Act 1948(a), and of all other powers him enabling in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st July 1964 and may be cited as the Merchant Shipping (Certificates of Competency as A.B.) (Amendment) Regulations 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Merchant Shipping (Certificates of Competency as A.B.) Regulations 1959(c) as amended by the Merchant Shipping (Certificates of Competency as A.B.) (Amendment) Regulations 1962(d) shall have effect subject to the amendments specified in the Schedule to this Order.

Given under the Official Seal of the Minister of Transport the 24th June 1964.

(L.S.)

B. E. Bellamy,
An Under Secretary of the
Ministry of Transport.

SCHEDULE

1. In Regulation 5 after the words "shall be entitled" there shall be inserted the words "on payment of a fee of seven shillings and sixpence".

2. In sub-paragraph (a) of paragraph (3) of Regulation 6 the words "on payment of a fee of five shillings" shall be deleted.

3. In paragraph (3) of Regulation 6 after the words "application is refused" the following words shall be inserted:—

"Provided that in the case of a person who complies with the condition referred to in sub-paragraph (c) of paragraph (1) of Regulation 4 by virtue of the operation of Regulation 9 and subsequently complies with the conditions referred to in sub-paragraphs (a), (b), (d) and (e) of the said paragraph (1) of Regulation 4 a certificate of competency shall be issued on the payment of a fee of seven shillings and sixpence".

4. In Regulation 7 after the words "his application is refused" there shall be inserted the words:—

"(3A) Every applicant in respect of whom the Superintendent of the Mercantile Marine Office is satisfied that he is eligible to make such application shall, before his examination, pay a fee of seven shillings and sixpence."

(a) 11 & 12 Geo. 6. c. 44.
(c) S.I. 1959/2148 (1959 I, p. 1687).

(b) 52 & 53 Vict. c. 63.
(d) S.I. 1962/579 (1962 I, p. 557).

5. In paragraph (4) of Regulation 7 the words "on payment of a fee of two shillings" shall be deleted.

6. In paragraph (2) of Regulation 8 for the words "one shilling" there shall be substituted the words "five shillings".

7. In Regulation 9 after the words "his application is refused" there shall be inserted the words :—

"(3A) Every applicant in respect of whom the Superintendent of the Mercantile Marine Office is satisfied that he is eligible to make such application shall, before his examination, pay a fee of seven shillings and sixpence."

8. In Part 2 of the Second Schedule,

(a) in the reference to the school at Greenock for the word "School" there shall be substituted the word "College", in the first reference to a school at Liverpool for the words "City of Liverpool College of Technology" there shall be substituted the words "Riversdale Technical College" and in the reference to the school at Plymouth for the words "Plymouth and Devonport Technical College" there shall be substituted the words "Plymouth College of Technology", and

(b) in the first, second and third columns respectively, the following words shall be deleted

"Parkstone ...	Parkstone Sea Training School ...	6 months"
"Southampton ...	Warfleet Sea Training Centre ...	6 months".

9. In Part 3 of the Second Schedule, in the first, second and third columns respectively,

(a) before the reference to the school at Falmouth, the following words shall be inserted

"Barrow-in-Furnace ...	Holker County Secondary School ...	6 months"
"Dovercourt ...	Sir Anthony Deane County Secondary School ...	6 months"

(b) after the reference to the school at Lowestoft, the following words shall be inserted

"Newcastle-upon-Tyne ...	Firfield County Secondary School ...	6 months"
"Whitehaven ...	Kells Secondary School ...	6 months".

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations amend the Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1959, in relation to (i) the introduction of an examination fee under Regulations 7(3) and 9(3), (ii) the fee charged for the issue of a certificate of competency under Regulations 5 and 6(3), (iii) the fee charged for the issue of a copy of a certificate of competency as A.B. under Regulation 8(2) and (iv) the list of training schools contained in Parts 2 and 3 of the Second Schedule.

1964 No. 953

MERCHANT SHIPPING
**The Merchant Shipping (Fees) (Amendment)
Regulations 1964**

<i>Made - - - -</i>	<i>24th June 1964</i>
<i>Laid before Parliament</i>	<i>30th June 1964</i>
<i>Coming into Operation</i>	<i>1st July 1964</i>

The Minister of Transport with the approval of the Treasury and in exercise of the powers conferred upon him by section 33 of the Merchant Shipping (Safety Convention) Act 1949^(a) and the enactments specified in the Second Schedule to that Act and of all other powers enabling him in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st July 1964 and may be cited as the Merchant Shipping (Fees) (Amendment) Regulations 1964.

(2) The Interpretation Act 1889^(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Merchant Shipping (Fees) Regulations 1964^(c) shall have effect subject to the amendments of the Second Schedule to those Regulations specified in the Schedule to these Regulations.

Given under the Official Seal of the Minister of Transport the 24th June 1964.

(L.S.)

Ernest Marples,
The Minister of Transport.

We approve the making of these Regulations.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Dated the 24th June 1964.

SCHEDULE

1. For Part 7 of the Second Schedule there shall be substituted the following Part:—

PART 7—FEES FOR INSPECTION OF SHIPS' PROVISIONS

Enactments	Commodity	Unit	Fees per Unit		
			£	s.	d.
Section 2(4) of the Fees (Increase) Act 1923.	Biscuits	28 lbs.	0	0	4
	*Salt beef	Tierces (or barrels)	0	8	6
	*Salt beef	Kegs	0	4	3
	*Salt pork	Barrels	0	8	6
	*Salt pork	Kegs	0	4	3
	*† Preserved meats	48 lbs.	0	1	9
	*Dried Fish	56 lbs.	0	1	1
	Tinned fish	48 lbs.	0	0	4
	Fresh potatoes	112 lbs.	0	0	4
	Dried potatoes	56 lbs.	0	0	4
	Dried vegetables	12 lbs.	0	0	4
	Preserved vegetables	48 lbs.	0	0	4
	Peas, split and green	112 lbs.	0	0	7
	Haricot beans and butter beans	112 lbs.	0	0	7
	*Rice	112 lbs.	0	0	8
	Oatmeal	56 lbs.	0	0	4
	*Flour	Barrels	0	2	10
	*Flour	In bags, 196 lbs.	0	2	10
	Tea	10 lbs.	0	0	4
	Coffee	14 lbs.	0	0	4
	Cocoa	14 lbs.	0	0	4
	Sugar	112 lbs.	0	0	7
	*Butter (tinned)	Sealed in cases, 112 lbs.	0	10	6
	*Butter	Sealed in tins, 14 lbs.	0	1	9
	*Butter (not tinned)	112 lbs.	0	10	6
	*Marmalade and jam	56 lbs.	0	1	5
	Syrup	56 lbs.	0	0	4
	*Suet in tins	48 lbs.	0	2	10
	*Pickles	Gallon	0	0	7
	*Pickles	In quart bottles, dozen	0	1	9
	*Pickles	In pint bottles, dozen	0	1	5
	Dried fruits	28 lbs.	0	0	4
	Fine salt	56 lbs.	0	0	4
	Mustard	6 lbs.	0	0	4
	Pepper	6 lbs.	0	0	4
	Curry Powder	6 lbs.	0	0	4
	Onions, fresh	112 lbs.	0	0	4
Ghee	80 lbs.	0	4	6	
Bacon and Ham	200 lbs.	0	4	6	
† Bacon and Ham (tinned)	48 lbs.	0	0	10	
Lentils	112 lbs.	0	0	7	
Breakfast Cereals	In packets, dozen	0	0	6	
Milk dried	112 lbs.	0	6	0	
Cooking Fat and Margarine	112 lbs.	0	5	3	
Cooking Fat and Margarine (tinned)	112 lbs.	0	6	0	
Cheese	112 lbs.	0	6	0	

* The fee for re-inspection in bulk of any of these articles, if previously sealed, shall be 25 per cent of the rate for an original inspection in bulk.

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

Enactments	Commodity	Unit	Fees per Unit		
			£	s.	d.
†Fruits, Tinned	...	48 lbs. ...	0	0	10
Sauces	...	In 10 fluid oz. bottles, on every doz. ...	0	1	1
Meat	...	In carcase, 200 lbs. ...	0	4	6
Meat	...	In joints, 200 lbs. ...	0	6	0

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

2. For Parts 14 and 15 of the Second Schedule there shall be substituted the following Parts:—

PART 14—FEES FOR EXAMINATION FOR CERTIFICATES OF COMPETENCY AS MASTERS, MATES, ENGINEERS, SKIPPERS AND SECOND HANDS

Enactments	Services	Fees		
		£	s.	d.
Section 97 of the Merchant Shipping Act 1894.	For examination for a certificate of competency on each occasion on which a candidate presents himself:—			
	(a) Master of a foreign-going ship ...	14	0	0
	First mate of a foreign-going ship	9	0	0
	Second mate of a foreign-going ship	8	0	0
	Master of a home-trade passenger ship ...	9	0	0
	Mate of a home-trade passenger ship ...	4	0	0
	If the examination in signalling is taken separately from the remainder of the examination for each attempt an additional fee of £4 0s. 0d. shall be payable.			
	If a candidate for a certificate of competency as a master or mate is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half the specified fee, subject to a minimum of £4 0s. 0d., shall be payable.			
	If the holder of a certificate of competency is examined for an endorsement of his certificate to the effect that the holder is qualified to act as master, first mate or second mate of a sailing ship, one-half the specified fee shall be payable.			
	(b) First class engineer:—			
	(i) for the full examination ...	14	0	0
	(ii) for Part A or Part B or a portion of either Part ...	7	0	0
(iii) for endorsement of a first class engineer's certificate ...	6	0	0	
Second class Engineer:—				
(i) for the full examination ...	8	0	0	
(ii) for Part A or Part B or a portion of either Part ...	4	0	0	
(iii) for endorsement of a second class engineer's certificate ...	4	0	0	

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
	In relation to an engineer's certificate of competency "endorsement" means the endorsement of an ordinary (steam) certificate to the effect that the holder is qualified to act as first or second engineer, as the case may be, on board a motor vessel, or <i>vice versa</i> .	
Section 97 of the Merchant Shipping Act 1894, as applied by section 414(1) of that Act.	(c) Skipper Second Hand	9 0 0 4 0 0
	If the examination in signalling is taken separately from the remainder of the examination an additional fee of £4 0s. 0d. shall be payable.	
	If a candidate for a certificate of competency as a skipper or second hand is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half of the specified fee, subject to a minimum of £4 0s. 0d., shall be payable.	

PART 15—FEES FOR CERTIFICATES OF SERVICE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 2(1)(b) of the Fees (Increase) Act 1923.	For a certificate of service granted in pursuance of section 99 of the Merchant Shipping Act 1894	5 0 0

3. The following Part shall be deleted:—

PART 16—FEES FOR A CERTIFICATE OF SEA SERVICE FOR A.B.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide, by amendment of the Merchant Shipping (Fees) Regulations 1964, for the payment of increased fees for the inspection of ships provisions, for examinations for certificates of competency, and for certificates of service, and provide for the abolition of the fee for a certificate of sea service for A.B.

1964 No. 961

AGRICULTURE
AGRICULTURAL GRANTS, GOODS AND SERVICES
The Fertilisers (United Kingdom) Scheme 1964
Laid before Parliament in draft

Made - - - - 25th June 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly (being the appropriate Ministers as defined in section 6(2) of the Agriculture (Fertilisers) Act 1952(a) in relation to a joint scheme for England and Wales, Scotland and Northern Ireland) in exercise of the powers vested in them by section 1 of the said Act and by sections 4 and 5(1) of the Agriculture (Miscellaneous Provisions) Act 1963(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme, of which a draft has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation and Application

1. This scheme, which may be cited as the Fertilisers (United Kingdom) Scheme 1964, shall apply to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“agricultural land” means any land used as arable, meadow or pasture ground, or for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act 1922(c) or the Allotments (Scotland) Act 1922(d);

“association” means an association of farmers, allotment holders, smallholders, or other occupiers of agricultural land, or an association of mushroom growers, being an association which is registered under the Industrial and Provident Societies Acts 1893 to 1961 or the Industrial and Provident Societies Acts (Northern Ireland) 1893 to 1963 or which has written rules governing its constitution and management;

“delivered” means, in the case of a purchase by an occupier of agricultural land, or a grower of mushrooms, delivered to or at his farm, holding or premises and, in the case of a purchase by an association, delivered to or at the premises of the association, and “delivery” shall be construed accordingly;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 15.
(c) 12 & 13 Geo. 5. c. 51.

(b) 1963 c. 11.
(d) 12 & 13 Geo. 5. c. 52.

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Contributions for Fertilisers

3. Subject to the provisions of this scheme, where any fertiliser containing nitrogen or phosphoric acid (other than nitrogen or phosphoric acid wholly derived from organic material), not being a fertiliser to which either aldrin or dieldrin has been added, was purchased for use for adding to agricultural land to improve the fertility of the soil or for the growing of mushrooms otherwise than on agricultural land or for application to a crop growing on agricultural land—

- (a) by the occupier of that agricultural land,
- (b) by the grower of such mushrooms, or
- (c) by an association which acquires fertilisers in bulk for redistribution to its members for use for adding to agricultural land in their occupation or for application to crops growing thereon or for use by them for the growing of mushrooms otherwise than on agricultural land

and was delivered to the purchaser during the period beginning with 1st June 1964 and ending with 31st May 1965 the Minister may make a contribution to the purchaser calculated in accordance with the Schedule to this scheme.

Purchase from Registered Suppliers

4.—(1) Subject as hereinafter provided no contribution shall be made under this scheme in the case of a fertiliser delivered in Great Britain unless the fertiliser shall have been purchased from a person registered by the Minister or the Secretary of State, as the case may be, under section 5 of the Agriculture (Miscellaneous Provisions) Act 1963.

- (2) The last foregoing sub-paragraph shall not apply—
- (a) where the fertiliser was purchased from a person not carrying on within Great Britain the business of supplying fertilisers, or
- (b) where the fertiliser was purchased from a person carrying on in Great Britain the business of supplying fertilisers who was not registered as mentioned in the said sub-paragraph and the Minister is satisfied that the purchaser at the time when the contract of sale was made did not know, and could not reasonably have ascertained, that such person was not so registered, and that if the contribution were withheld the purchaser would be without any means of recovering his loss.

Manner and Time of Application for Contribution

5.—(1) Any person or association who desires to obtain a contribution in accordance with the provisions of this scheme shall apply, where the fertiliser was delivered in England or Wales, to the Minister, where the fertiliser was delivered in Scotland, to the Secretary of State and, where the fertiliser was delivered in Northern Ireland, to the Minister of Agriculture for Northern Ireland.

(a) 52 & 53 Vict. c. 63.

(2) An application for contribution shall be made—

- (a) in writing in such form as the Minister may from time to time require, and
(b) within three months of delivery of the fertiliser, or within such further time as the Minister may in special circumstances allow.

Limitation of Contributions

6.—(1) In calculating the amount of any contribution any fraction of a quarter of a hundredweight of the fertiliser shall be disregarded.

(2) No contribution shall be made in connection with any application unless the total quantity of all the fertilisers to which the application relates is not less than 4 cwt.

(3) Where the amount of a contribution calculated at the appropriate rate specified in the Schedule to this scheme in respect of any fertiliser would exceed one half of the cost of the fertiliser when delivered to the purchaser (excluding any charge for credit or spreading and after allowing for any rebate or discount), the amount of such contribution shall be reduced to one half of such cost.

(4) If any contribution is payable under any enactment other than the Agriculture (Fertilisers) Act 1952 as extended by section 4 of the Agriculture (Miscellaneous Provisions) Act 1963, or under any other scheme, in respect of fertilisers as regards which a contribution under this scheme may be made, the Minister in determining the amount of contribution payable under this scheme may take into consideration the amount of contribution payable under the other enactment or scheme and may reduce the amount payable under this scheme accordingly.

Verification of Applications

7. The Minister may require an applicant for a contribution to give any person authorised by the Minister in that behalf reasonable facilities for the inspection of any fertiliser to which the application relates, and to produce any accounts, invoices, receipts or other documents and to give all information required by the Minister for the purpose of verifying the application.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Edward Heath,
One of Her Majesty's Principal
Secretaries of State.

24th June 1964.

Approved on 25th June 1964.

Ian MacArthur,
Martin McLaren,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE
RATES OF CONTRIBUTION FOR FERTILISERS

	<i>Per ton</i> £ s. d.
For each 1% (and proportionately for each 0.1%) by weight of nitrogen (N)	6 9
For each 1% (and proportionately for each 0.1%) by weight of water-soluble phosphoric acid (P ₂ O ₅)	5 4
For each 1% (and proportionately for each 0.1%) by weight of phosphoric acid (P ₂ O ₅) insoluble in water	2 8
For basic slag or potassic basic slag delivered in Great Britain containing not less (by weight) than:—	
6% of phosphoric acid (P ₂ O ₅)	1 8 6
7% of phosphoric acid (P ₂ O ₅)	1 13 3
8% of phosphoric acid (P ₂ O ₅)	1 18 0
9% of phosphoric acid (P ₂ O ₅)	2 0 0
10% of phosphoric acid (P ₂ O ₅)	2 1 9
11% of phosphoric acid (P ₂ O ₅)	2 3 6
12% of phosphoric acid (P ₂ O ₅)	2 5 0
13% of phosphoric acid (P ₂ O ₅)	2 7 8
and thereafter at rates increased by 3s. 8d. for every additional 1% of phosphoric acid (P ₂ O ₅).	
For each 1% by weight of phosphoric acid (P ₂ O ₅) in basic slag or potassic basic slag delivered in Northern Ireland	4 10
For the purposes of this Schedule	
(a) "basic slag" means the article defined under that name in the Fourth Schedule to the Fertilisers and Feeding Stuffs Act 1926(a) as varied in Great Britain by the Fertilisers and Feeding Stuffs Regulations 1960(b) and in Northern Ireland by the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1960(c).	
(b) "potassic basic slag" means a mixture of basic slag with a potassium salt.	

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, made under the Agriculture (Fertilisers) Act 1952 as extended by the Agriculture (Miscellaneous Provisions) Act 1963, applies to the United Kingdom and provides for the payment of contributions towards the cost of fertilisers applied to agricultural land or crops thereon or used for the growing of mushrooms. It relates to nitrogenous and phosphatic fertilisers delivered during the year beginning on the 1st June 1964.

This scheme succeeds the Fertilisers (United Kingdom) Scheme 1963 (S.I. 1963/1018) as amended by the Fertilisers (United Kingdom) (Amendment) Scheme 1963 (S.I. 1963/1230). Applications for contributions are to be made within three months instead of six months as hitherto. Fertilisers to which aldrin or dieldrin has been added before purchase will not be eligible for subsidy.

(a) 16 & 17 Geo. 5. c. 45.

(b) S.I. 1960/1165 (1960 I, p. 185).

(c) S.R. & O. (N.I.) 1960/145.

1964 No. 962

HORTICULTURE

The Horticulture Improvement Scheme 1964

Laid before Parliament in draft

Made - - - - 25th June 1964

Coming into Operation 1st July 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred upon them by sections 1, 2 and 6 of the Horticulture Act 1960(a) as amended by section 5 of the Agriculture and Horticulture Act 1964(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme :—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Horticulture Improvement Scheme 1964 and shall come into operation on 1st July 1964.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“ the Act of 1960 ” means the Horticulture Act 1960 ;

“ the Act of 1964 ” means the Agriculture and Horticulture Act 1964 ;

“ agricultural holding ” has the meaning assigned to it, as respects land in England or Wales, by section 1 of the Agricultural Holdings Act 1948(c), and as respects land in Scotland, by section 1 of the Agricultural Holdings (Scotland) Act 1949(d) and includes a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931(e) apply and a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(f) ;

“ appropriate Minister ” means the Minister of Agriculture, Fisheries and Food in relation to England or Wales or Northern Ireland and the Secretary of State in relation to Scotland ;

“ approved proposals ” means proposals for the provision of any of the facilities specified in the Schedule to this scheme which have been approved in writing by the appropriate Minister in the case of an application for a grant under the Act of 1960 ;

“ eligible land ” has the meaning assigned to it by paragraph 3(3) of this scheme ;

(a) 8 & 9 Eliz. 2. c. 22. (b) 1964 c. 28. (c) 11 & 12 Geo. 6. c. 63.
 (d) 12, 13 & 14 Geo. 6. c. 75. (e) 49 & 50 Vict. c. 29; 1 & 2 Geo. 5. c. 49; 9 & 10
 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44. (f) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58.

“glasshouse” means a fixed or mobile structure, used for the production of horticultural produce for sale, which is mounted on durable foundations, is not less than 5½ feet high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass ;

“horticultural produce” and “horticultural production business” have the meanings respectively assigned to them by section 8 of the Act of 1960 ;

“horticultural producers’ marketing business” has the meaning assigned to it by section 8 of the Act of 1960, save that as respects grants in relation to the provision of facilities for conducting markets, that expression shall have that meaning as extended by section 5(2) of the Act of 1964 ;

“land” includes soil or other material used for growing mushrooms in trays or on shelves ;

“movable lights” includes frame-lights and cloches, whether of glass or other translucent material ;

“successional crops”, in relation to any land, means crops of horticultural produce of which not more than one crop is in the land at any one time.

(2) For the purposes of this scheme, land shall be deemed to be used for the purpose of growing horticultural produce if it is cultivated or prepared for use for that purpose.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

(4) This scheme shall have effect only as respects facilities which are the subject of applications submitted for approval by the appropriate Minister under this scheme while this scheme is in operation, and the Horticulture Improvement Scheme 1960(b) shall not have effect as respects any such facilities.

Conditions of eligibility

3.—(1) Payment of a grant under section 1(1) of the Act of 1960 to the person carrying on a horticultural production business, or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, shall not be made unless the appropriate Minister is satisfied that—

(a) at the date of the application for a grant, there is occupied for the purposes of the business not less than four acres of land (calculated, in the case of the special classes of land referred to in subparagraph (2) of this paragraph, in accordance with the provisions of the said subparagraph) which is eligible land as defined in subparagraph (3) of this paragraph ;

(b) the business would, after the approved proposals have been carried out, be capable of yielding an adequate return to any person carrying it on with reasonable efficiency and as a full-time occupation ; and

(c) the person carrying on the business is the owner of the freehold, or in Scotland the owner, of the land on which the approved proposals are to be carried out, or is a tenant of the said land for a term which has an unexpired residue not less than the useful life of the facility to be provided, or the said land constitutes or forms part of an agricultural holding of which, in the case of an application for a grant by the person carrying on a horticultural production business, that person is a tenant.

(2) For the purposes of this scheme, the area of any eligible land which for a period of not less than 24 months immediately preceding the date of the application for a grant has been used in glasshouses, or in buildings used for the production of rhubarb or mushrooms, shall be multiplied by 20; and the area of any eligible land which has been used thus long for growing horticultural produce under movable lights or under fixed structures, not being glasshouses, clad with glass or other translucent material, or for growing watercress, together with any land necessary for access to the growing produce, shall be multiplied by 6:

Provided that any eligible land which at the said date is used in glasshouses or in such buildings or under such lights or structures shall be deemed to have been so used for any period during which, but to no greater extent than, any other land, which has been used for the purposes of the horticultural production business to which the application relates, has been used in the said glasshouses or buildings, or under the said lights or structures, or in or under any other glasshouses, buildings, lights or structures, as the case may be, which the said glasshouses, buildings, lights or structures have replaced, and the foregoing provisions of this subparagraph shall have effect accordingly.

(3) For the purposes of this scheme, "eligible land" means land which is used for the purposes of a horticultural production business at the date of the application for a grant in respect of facilities for the purposes of that business and has been used for the purposes of any horticultural production business for a period of not less than 24 months immediately preceding the said date:

Provided that in the case of land which, at the date of the application for a grant, is used for the growing for sale of horticultural produce consisting of annual vegetables in the open,—

(a) if not less than one-third of the area of that land has been used during the period of 24 months immediately preceding the said date for the purpose of growing for sale successional crops, of which either more than two have been sown or planted or more than two have been harvested or intended to be harvested during the said period, then the whole of the land shall be deemed to be eligible land;

(b) if less than one-third of the area of that land has been used as aforesaid, then three times the acreage of any part of the land which has been so used shall be deemed to be eligible land.

(4) Where any land, which at the date of the application for a grant is occupied for the purposes of a horticultural production business, is not eligible land within the meaning of subparagraph (3) of this paragraph, then—

(a) in so far as the benefit to be derived from any proposals is attributable to that land, it shall be disregarded for the purposes of section 1(4) of the Act of 1960 (which provides that the appropriate Minister shall not approve proposals if their cost is unreasonably high in relation to the benefit derived from them in the carrying on of the business);

(b) where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed for the provision of facilities both for the said land and for eligible land, and agrees with the Minister what proportion of the cost is to be treated as referable to the eligible land, paragraphs (a) and (b) of section 1(5) of the Act of 1960 (which provide for regard to be had only to a proportion of the cost, and for references to expenditure to be

construed as references to a proportion of such expenditure, for purposes relating to grants under section 1 of the said Act) shall apply in relation to that proportion.

4. Payment of a grant under section 1(2) of the Act of 1960, as amended by section 5 of the Act of 1964, to the person carrying on a horticultural producers' marketing business shall not be made unless the appropriate Minister is satisfied that, except in the case of land occupied for the purposes of a business carried on by the Land Settlement Association Limited, the person carrying on the business is the owner of the freehold, or in Scotland the owner, of the land on which the approved proposals are to be carried out, or is a tenant of the said land for a term which has an unexpired residue not less than the useful life of the facility to be provided, or the said land constitutes or forms part of an agricultural holding of which that person is a tenant.

Facilities in respect of which grants may be paid

5.—(1) Subject to the provisions of this scheme and to the relevant provisions of the Act of 1960 and the Act of 1964, grants may be paid—

- (a) to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, in respect of the facilities specified in Part I and Part II of the Schedule to this scheme, being facilities for the purposes of the business ;
- (b) to the person carrying on a horticultural producers' marketing business, in respect of the facilities specified in Part II and Part III of the Schedule to this scheme, being facilities for the storage, preparation for market or transport of horticultural produce in the course of the business or for conducting a market for the sale of horticultural produce in the course of the business, being a market wholly or mainly for transactions by wholesale, save that grants to the person carrying on a business of a kind described in section 5(2) of the Act of 1964 may be paid only in respect of such of the said facilities as are facilities for conducting a market for the sale of horticultural produce in the course of the business, being a market wholly or mainly for transactions by wholesale.

(2) For the purposes of this paragraph and the next following paragraph, the "relevant provisions of the Act of 1960 and the Act of 1964" shall be construed as sections 1 to 3 and 6 to 8 of the Act of 1960 inclusive and sections 5 to 7 of the Act of 1964 inclusive, the last mentioned three sections being construed as one with Part I of the Act of 1960.

Payment of grants by instalments

6.—(1) In any case to which this paragraph applies by virtue of subparagraph (2) of this paragraph, the grant shall be paid, subject to the provisions of this scheme and to the relevant provisions of the Act of 1960 and the Act of 1964, by annual instalments in the manner following, that is to say:—

- (a) the first annual instalment shall be £250 or an amount equal to one-half of the amount of the grant, whichever is the greater ;
- (b) the balance shall be paid by equal annual instalments over a period of five years from the date of payment of the first instalment of the grant :

Provided that, notwithstanding any of the foregoing provisions of this paragraph,—

- (i) no instalment shall be less than £50 ;

(ii) where the payment of any instalment would leave a balance unpaid of less than £50, such balance shall be paid with that instalment.

(2) This paragraph shall apply where a grant of an amount not less than £250 is to be paid in respect of the provision of any of the facilities specified in paragraph 2, paragraphs 12 to 18 inclusive and 21 of the Schedule to this scheme, or in respect of any operation incidental to the provision of any of the said facilities and falling within paragraphs 11, 20 or 23 of the said Schedule, and either the facility is being provided—

- (a) for the purposes or to assist the carrying on of more than one horticultural production business, or
- (b) for the purpose of conducting a market for the sale of horticultural produce in the course of a horticultural producers' marketing business, being a market wholly or mainly for transactions by wholesale, or
- (c) for the purposes of a horticultural production business on land which is separated by more than 200 yards from all other land used for the purposes of the business, the distance being measured between the points nearest to one another.

Application for, and conditions of payment of, grants

7.—(1) It shall be a condition of the making of payment to any person in respect of a grant under section 1 of the Act of 1960 as amended by section 5 of the Act of 1964, including the first but no later instalment of a grant payable by instalments pursuant to paragraph 6 of this scheme, that—

- (a) there is an application in writing for the approval of the appropriate Minister stating the facility which the applicant proposes to provide, in respect of which a grant is applied for, and furnishing such information as the appropriate Minister may reasonably require ;
- (b) the appropriate Minister has approved the proposals in writing, whether or not subject to conditions specified by him in writing ;
- (c) no modification of the approved proposals has been carried out except with the approval of, and subject to such conditions, if any, as may have been specified by, the appropriate Minister in writing ;
- (d) the approved proposals have been carried out in a proper manner, and completed without avoidable delay, and any condition subject to which approval was given has been complied with.

(2) Where a grant is payable by instalments pursuant to paragraph 6 of this scheme, it shall be a condition of the making of payment to any person by way of an instalment of the grant, other than the first such instalment, that there is an application in writing to the appropriate Minister for the payment, furnishing such information as the appropriate Minister may reasonably require and as will satisfy him that—

- (a) the requirements of the conditions of eligibility set out in either paragraph 3 or paragraph 4 of this scheme (as the case may be) continue to be met ; and
- (b) the facility in respect of which the grant is being paid continues to be used for a purpose for which a grant may, under the Act of 1960, the Act of 1964 and this scheme, be paid to the applicant in respect thereof.

Minimum cost in respect of which grants will be payable

8. No grant shall be payable on any one application if the expenditure in respect of which the grant would be payable, as estimated by the appropriate Minister at the time of approval, or the standard cost (as the case may be), is less than £100, excluding any fees for professional or other advice in respect of which grant would otherwise be payable.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

24th June 1964.

Edward Heath,
One of Her Majesty's Principal Secretaries
of State.

Approved.

25th June 1964.

Ian MacArthur,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

PART I

Facilities for which grants may be paid to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding.

1. Works for the replacement, reconstruction or other improvement of permanent buildings (including parts of buildings) and permanently sited frames in which horticultural produce is grown and which have been used for that purpose for a period of not less than 24 months immediately preceding the date of the application for a grant.

2. Works for the erection, alteration, enlargement or other improvement of permanent buildings (including parts of buildings) other than dwelling houses and buildings in which produce is grown; and the making or improvement of permanent yards, loading platforms and ramps.

3. Grubbing up of orchards.

4. Works for the supply and installation, or reconstruction, alteration or other improvement, of systems for the production and distribution of heat in buildings (including parts of buildings), or in permanently sited frames, used for, or in connection with, the growing of horticultural produce, which have either been so used for a period of not less than 24 months immediately preceding the date of the application for a grant or which have been erected to replace other buildings or frames, as the case may be, so used.

5. Provision of shelter belts.

6. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other obstructions to efficient production.

7. Where the business occupies not more than 7 acres of eligible land (calculated in accordance with paragraph 3(2) and (3) of this scheme), the provision of fixed or mobile glasshouses or parts thereof up to a maximum area of 675 square feet (including the area of any such glasshouse with which the business is already equipped).

8. Works for the replacement, reconstruction or improvement of watercress beds (including parts of watercress beds) which have been used as such for a period of not less than 24 months immediately preceding the date of the application for a grant.

9. Supply and installation of the following kinds of new plant or equipment (other than buildings) to be used for, or in connection with, the production of horticultural produce:—

(i) Plant and equipment for the control of environment in buildings which have been used for, or in connection with, the growing of horticultural produce for a period of not less than 24 months immediately preceding the date of the application for a grant or which have been erected to replace such buildings so used, including ventilation equipment, irradiation equipment, day length control equipment, mist spray equipment, irrigation equipment, equipment for changing and controlling the composition or humidity of the atmosphere, automatic glasshouse shading equipment, soil and bench warming equipment, equipment for the conditioning of bulbs and other planting material, instruments for the measurement, recording and control of environment, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.

(ii) Irrigation equipment for use in the open, including equipment for the automatic or semi-automatic control of irrigation, dilutors and instruments for the measurement and control of plant nutrients used in conjunction with irrigation systems.

(iii) Plant and equipment for the handling, preparation or treatment (other than the cultivation) of soil, compost or other media for growing horticultural produce.

(iv) Plant and equipment for the control of pests and diseases of horticultural produce, that is to say:—

Plant pot and box cleansing and sterilising machines, thermostatically-controlled warm-water baths, thermostatically-controlled cabinets, dilutors and instruments for the measurement and control of substances for the control of pests and disease used in conjunction with irrigation systems, power-operated equipment for horticultural spraying and dusting.

(v) Plant and equipment for the movement of materials used in connection with the growing of horticultural produce, that is to say:—

Conveyors and elevators.

(vi) Bulb planting machines, machines for planting horticultural plants, potting machines, power-operated orchard pruners, equipment for the protection of horticultural crops against frost.

10. Supply of new equipment designed specifically for the harvesting of horticultural produce (other than peas and potatoes) including mobile orchard lifts, mobile fruit harvesters and mobile harvesting and packing platforms for use in orchards.

11. Any operation incidental to the provision of any of the facilities specified in paragraphs 1 to 10 (inclusive) of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

For the purposes of paragraphs 1, 4, 8 and 9 of this Schedule, when calculating the period during which buildings, frames or watercress beds, as the case may be, have been used for growing horticultural produce, any period during which, by reason of the need for maintenance or for some other unavoidable reason, no such produce has been grown therein may be taken into account.

PART II

Facilities for which grants may be paid to the person carrying on a horticultural production business or to the landlord of land occupied for the purposes of such a business and being or comprised in an agricultural holding, or to the person carrying on a horticultural producers' marketing business.

12. Works for the disposal of sewage and effluent, other than from dwelling houses.

13. Making and improvement of roads, paths and other permanent ways, railway crossings, bridges, under-passes, fords and hard-standings.

14. Provision or laying on of gas or electricity, other than for dwelling houses.

15. Provision of water supply, other than for the purpose of the growing of horticultural produce or for dwelling houses.

16. Making and improvement of permanent fences (including hedges), walls and gates.

17. Provision of cattle grids.

18. Provision of permanent thermal insulation, vapour sealing or gas sealing, for the control of temperature or atmosphere in buildings (including parts of buildings) used for the conditioning or storage of horticultural produce.

19. Supply and installation in suitable buildings of the following items of new plant and equipment for the storage of horticultural produce or of containers for such produce or for the preparation for market of horticultural produce:—

Group (i). Plant and equipment for control of temperature or atmosphere

Scrubbers, coolers, circulation fans, extractor fans, humidifiers, compressors, condensers (for cooling gas in stores), coolant tanks and pumps, pipework installations, instruments for the measurement, recording and control of temperature or atmosphere.

Group (ii). Plant and equipment for movement of produce or containers

Loading and feed tables, automatic feed units, conveyors and elevators.

Group (iii). Plant and equipment for size, weight and quality grading

Sorting tables, return flow tables, grading machines, cull eliminators, automatic loaders, trays, mercury switches, other ancillary equipment or separate components for use with plant and equipment in this group.

Group (iv). Plant and equipment for preparation

Cleaners, brushes and polishers (for fruit or vegetables), machinery for washing fruit or vegetables (including soak tanks), driers (contact and air), trough installations (for flowers), dipping tank installations and sprinkler installations (for watercress), hydro-cooling installations, machinery for cleaning and sorting of seeds, equipment for the hot or cold treatment of bulbs, defoliating machines.

Group (v). Plant and equipment for packing

Packing tables, packing benches, packing stands, automatic or semi-automatic fruit packers or box fillers, shrub or tree bundlers, bulb counting machines.

Group (vi). Miscellaneous plant and equipment

Heating equipment (other than portable heaters); settling tanks and silt traps; and, where essential to and installed as part of a system for preparation for market, circulating pumps and filters, racks and benches, electric motors and internal combustion engines, weighing machines.

20. Any operation incidental to the provision of any of the facilities specified in paragraphs 12 to 19 (inclusive) of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

PART III

Facilities for which grants may be paid to the person carrying on a horticultural producers' marketing business.

21. Works for the erection, alteration, enlargement or other improvement of permanent buildings (including parts of buildings) other than dwelling houses ; and the making or improvement of permanent yards, loading platforms and ramps.

22. Supply and installation in market buildings of the following items of new plant and equipment:—

Public address equipment, waste disposal units, weighbridges, conveyors, elevators, facilities for conducting an auction including rostrum, equipment for automatically making, receiving and registering bids, staging, benching, desks.

23. Any operation incidental to the provision of any of the facilities specified in paragraph 21 or 22 of this Schedule, and necessary or proper in carrying out the work or for securing the full benefit of the said facilities.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is made under the Horticulture Act 1960, s. 1, as amended by the Agriculture and Horticulture Act 1964, s. 5, replaces, with modifications, the Horticulture Improvement Scheme 1960 in relation to applications submitted for approval on or after 1st July 1964. The scheme lays down the conditions of eligibility for grant and the conditions of payment of grant, and specifies the facilities in respect of which grant may be paid to applicants who qualify. The scheme makes provision for the grant-aiding of a wider range of facilities than is provided for in the Horticulture Improvement Scheme 1960, including facilities for conducting a market for the sale of horticultural produce by wholesale in the course of horticultural producers' marketing businesses. The scheme also makes provision for payment of grant by instalments in certain specified instances and specifies the minimum cost in respect of which grant is payable.

1964 No. 963

HORTICULTURE

The Small Horticultural Production Business Scheme 1964

Laid before Parliament in draft

Made - - - -	25th June 1964
Coming into Operation	1st July 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred upon them by section 2 of the Agriculture and Horticulture Act 1964(a) (which section is, by virtue of section 8 of that Act, to be construed as one with Part I of the Horticulture Act 1960(b)) and section 6 of the Horticulture Act 1960, and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

Extent, citation and commencement

1. This scheme, which applies to the whole of the United Kingdom, may be cited as the Small Horticultural Production Business Scheme 1964; and shall come into operation on 1st July 1964.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“agricultural holding” has the meaning assigned to it, as respects land in England or Wales, by section 1 of the Agricultural Holdings Act 1948(c), and as respects land in Scotland, by section 1 of the Agricultural Holdings (Scotland) Act 1949(d) and includes a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931(e) apply and a croft within the meaning of the Crofters (Scotland) Acts 1955 and 1961(f);

“agriculture” has the meaning assigned to it by section 109 of the Agriculture Act 1947(g), section 86 of the Agriculture (Scotland) Act 1948(h) and section 43 of the Agriculture Act (Northern Ireland) 1949(i) as the case may require;

(a) 1964 c. 28. (b) 8 & 9 Eliz. 2. c. 22. (c) 11 & 12 Geo. 6. c. 63.
 (d) 12, 13 & 14 Geo. 6. c. 75. (e) 49 & 50 Vict. c. 29; 1 & 2 Geo. 5. c. 49;
 9 & 10 Geo. 5. c. 97 and 21 & 22 Geo. 5. c. 44.
 (f) 3 & 4 Eliz. 2. c. 21 and 9 & 10 Eliz. 2. c. 58. (g) 10 & 11 Geo. 6. c. 48.
 (h) 11 & 12 Geo. 6. c. 45. (i) 1949 c. 2. (N.I.).

“appropriate Minister” means the Minister of Agriculture, Fisheries and Food in relation to England or Wales or Northern Ireland and the Secretary of State in relation to Scotland ;

“approved programme” means a programme approved in writing under this scheme by the appropriate Minister, whether or not modified from time to time with the approval in writing of that Minister ;

“eligible land” has the meaning assigned to it by sub-paragraph (2) of this paragraph ;

“glasshouse” means a fixed or mobile structure, used for the production of horticultural produce for sale which is mounted on durable foundations, is not less than 5½ feet high at the ridge, and of which more than half the total area of the sides, ends and roof is of glass ;

“horticultural produce” and “horticultural production business” have the meanings respectively assigned to them by section 8 of the Horticulture Act 1960 ;

“land” includes soil or other material used for growing mushrooms in trays or on shelves ;

“movable lights” includes frame-lights and cloches, whether of glass or other translucent material ;

“small farm business” has the meaning assigned to it by section 6 of the Agriculture (Small Farmers) Act 1959(a) ;

“small horticultural production business” has the meaning assigned to it by sub-paragraph (3) of this paragraph ;

“successional crops”, in relation to any land, means crops of horticultural produce of which not more than one crop is in the land at any one time.

(2) In this scheme “eligible land” means land which is used for the purposes of a horticultural production business at the date of the submission for approval under this scheme of a programme relating to that business and has been used for the purposes of any horticultural production business for a period of not less than 24 months immediately preceding the said date :

Provided that in the case of land which, at the date of the submission of a programme for approval under this scheme, is used for the purpose of growing for sale horticultural produce consisting of annual vegetables in the open,—

(a) if not less than one-third of the area of that land has been used during the period of 24 months immediately preceding the said date for the purpose of growing for sale successional crops, of which either more than two have been sown or planted or more than two have been harvested or intended to be harvested during the said period, then the whole of the land shall be deemed to be eligible land ;

(b) if less than one-third of the area of that land has been used as aforesaid, then three times the acreage of any part of the land which has been so used shall be deemed to be eligible land.

(3) In this scheme “small horticultural production business” means a horticultural production business which at the date of submission for

approval under this scheme of a programme relating to the business is conducted on land not exceeding 30 acres in extent and satisfies the following requirements :—

- (a) the land on which the business is conducted comprises not more than 15, and not less than 4, acres of eligible land (calculated, in the case of the special classes of land referred to in sub-paragraph (4) of this paragraph, in accordance with the provisions of that sub-paragraph);
- (b) the business does not form part of any larger business conducted for purposes of agriculture on land exceeding 30 acres in extent.

(4) For the purposes of paragraphs 2(3)(a) and 3(1)(b) of this scheme, the area of any eligible land which for a period of not less than 24 months immediately preceding the date of the submission of a programme for approval under this scheme has been used in glasshouses, or in buildings used for the production of rhubarb or mushrooms, shall be multiplied by 20; and the area of any eligible land used thus long for growing horticultural produce under movable lights or under fixed structures, not being glasshouses, clad with glass or other translucent material, or for growing watercress, together with any land necessary for access to the growing produce, shall be multiplied by 6:

Provided that any eligible land which at the said date is used in glasshouses or in such buildings or under such lights or structures shall be deemed to have been so used for any period during which, but to no greater extent than, any other land, which has been used for the purposes of the horticultural production business to which the programme relates, has been used in the said glasshouses or buildings, or under the said lights or structures, or in or under any other glasshouses, buildings, lights or structures, as the case may be, which the said glasshouses, buildings, lights or structures have replaced, and the foregoing provisions of this sub-paragraph shall have effect accordingly.

(5) For the purposes of this scheme, land shall be deemed to be used for the purpose of growing horticultural produce if it is cultivated or prepared for use for that purpose.

(6) The Interpretation Act 1889(a) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Grant payable

3.—(1) Subject to the provisions of this scheme and to the relevant provisions of the Act—

- (a) the appropriate Minister may make a grant in connection with the carrying out by any person of an approved programme designed to increase the efficiency of a small horticultural production business;
- (b) payment of the said grant may be made to the person for the time being responsible for carrying out the approved programme at the rate of £50 for each acre of eligible land on which the business to which the programme relates is conducted at the date on which the programme is approved, the acreage of such land being calculated—
 - (i) to the nearest tenth of an acre, no account being taken for this purpose of any fraction less than one-tenth of an acre; and,

(ii) where the land includes any of the special classes of land referred to in paragraph 2(4) of this scheme, in accordance with the provisions of that sub-paragraph ;

so however that no payment of grant under this scheme shall be made in respect of more than 10 acres of such land, calculated as aforesaid, in connection with the carrying out of any one approved programme ;

(c) payment of the said grant shall, so far as circumstances allow, be made by 4 equal instalments 6, 12, 24 and 36 months after the commencement of the approved programme.

(2) For the purposes of this paragraph, the "relevant provisions of the Act" shall be construed as sections 2 and 7 of the Agriculture and Horticulture Act 1964 construed as one with Part I of the Horticulture Act 1960.

Conditions of eligibility

4. Payment of a grant under this scheme shall not be made unless, before approving a programme submitted to him, the appropriate Minister is satisfied in relation to the programme and the small horticultural production business to which the programme relates—

(a) that the person for the time being carrying on the business and carrying out the programme is the owner of the freehold, or in Scotland the owner, of the land on which the business is for the time being conducted, or is a tenant of the said land for a term which has an unexpired residue not less than the duration of the programme, or that the said land constitutes, or forms part of, an agricultural holding of which that person is a tenant ;

(b) that after the programme has been completed the business will be capable of yielding an adequate return to any person carrying it on with reasonable efficiency and as a full-time occupation.

Application for, and conditions of payment of, grants

5.—(1) It shall be a condition of the making of any payment to any person in respect of a grant under this scheme that—

(a) there shall have been an application in writing, containing such information as the appropriate Minister may reasonably require, for the approval of that Minister of the programme, being a programme designed to increase the efficiency of the small horticultural production business to which it relates and to be carried out during a period of 3 years ;

(b) the appropriate Minister shall have approved the programme in writing, subject to such conditions as may be specified by him in writing ;

(c) there shall be no substantial modification of the approved programme except with the approval of, and subject to such conditions as may be specified by, the appropriate Minister in writing ;

(d) the approved programme shall have been commenced within a reasonable time after approval thereof and shall be properly carried out to the satisfaction of the appropriate Minister without any avoidable delay and the conditions subject to which approval of the programme was given shall be complied with to the satisfaction of that Minister ;

(e) the person for the time being responsible for carrying out the approved programme shall—

- (i) keep, or cause to be kept, such records as the appropriate Minister may reasonably require for the purposes of this scheme ;
- (ii) make any such records available to any person duly authorised by the appropriate Minister in that behalf and permit any such person to enter any land, and inspect any works, operations, equipment or crops to which the approved programme relates ;
- (iii) give to any person so authorised any information which may reasonably be required for the purposes of this scheme.

(2) It shall be a condition of the making of payment to any person by way of an instalment of a grant under this scheme that there is an application in writing to the appropriate Minister for the payment submitted at such time and containing such information as that Minister may reasonably require, and that that Minister shall be satisfied that—

- (a) the requirement of the condition of eligibility set out in paragraph 4(a) of this scheme continues to be met ; and
- (b) the conditions of payment set out in sub-paragraph (1) of this paragraph have thus far been complied with insofar as they are relevant.

(3) An approved programme may, on the application or with the agreement of the person for the time being responsible for carrying it out, be modified from time to time with the approval in writing of the appropriate Minister and thereafter shall have effect for the purposes of this scheme as so modified.

6.—(1) Where after the appropriate Minister has approved under this scheme a programme relating to a small horticultural production business conducted on any land he so approves a second or subsequent programme relating to a small horticultural production business conducted on that land or any part thereof, it shall be a condition of the making of any payment under this scheme in connection with the carrying out of that second or subsequent programme that the aggregate of all such payments made in connection with the carrying out of that second or subsequent programme may, if the appropriate Minister thinks fit, be reduced by an amount not exceeding the aggregate of all payments made to any person under this scheme in connection with the carrying out of any previous programme relating to a small horticultural production business conducted on the aforesaid land or any part thereof.

(2) Where the appropriate Minister approves under this scheme a programme relating to a small horticultural production business conducted on land on which, or any part of which, there has been conducted a small farm business in respect of which any payment by way of grant has been made under any scheme made under section 1 of the Agriculture (Small Farmers) Act 1959, it shall be a condition of the making of any payment under this scheme in connection with the carrying out of the aforesaid programme that the aggregate of all payments so made to any person in connection with the carrying out of that programme may, if the appropriate Minister thinks fit, be reduced by an amount not exceeding the aggregate of all payments made to any person under any scheme made under the said section 1 in respect of any small farm business conducted on any

part or parts of the land on which the aforesaid small horticultural production business is conducted.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Edward Heath,
One of Her Majesty's Principal Secretaries
of State.

24th June 1964.

Approved.

25th June 1964.

Ian MacArthur,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

This scheme, which is made under section 2 of the Agriculture and Horticulture Act 1964, provides for the making of grants to persons carrying out programmes designed to increase the efficiency of small horticultural production businesses. The scheme lays down conditions of eligibility for grant and the conditions of payment of grant; it also specifies the amount of grant payable and provides for payment of grant by instalments.

1964 No. 964

SHOPS AND OFFICES
**The Offices, Shops and Railway Premises Act 1963
 (Exemption No. 1) Order 1964**

Made - - - - - 25th June 1964
Coming into Operation 1st August 1964

The Minister of Labour—

- (a) by virtue of the powers conferred on him by section 45 of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf; and
- (b) after consulting, pursuant to section 45(4) of the Act, organisations appearing to him to be representative of workers concerned and employers concerned, respectively, and it appearing to him that there are no other persons concerned;

hereby makes the following Order:—

1.—(1) This Order may be cited as the Offices, Shops and Railway Premises Act 1963 (Exemption No. 1) Order 1964 and shall come into operation on 1st August 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Minister of Labour hereby exempts the following class of premises, that is to say, office premises to which the Act applies, being premises erected at, or adjacent to, a place where there are carried on operations to which section 127(1) (building operations and works of engineering construction) of the Factories Act 1961(c) applies or works to which that section applies, and erected for the purpose of, or in connection with, the operations or works—

- (a) from the requirements imposed by section 6 (which relates to temperature) of the Act, subject to the conditions specified in Article 3 of this Order; and
- (b) from so much of section 10(1) (which relates to washing facilities) of the Act as requires water supplied to be running water.

3. The conditions referred to in Article 2(a) of this Order are—

- (a) that there shall be provided for persons who are employed to work in any premises of a class to which this Order applies conveniently accessible and effective means of enabling them to warm themselves;
- (b) that the persons for whom means of enabling them to warm themselves are provided in pursuance of this Order shall be afforded reasonable opportunities for using those means; and

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

(c) 9 & 10 Eliz. 2. c. 34.

(c) that no method of providing means of enabling persons to warm themselves shall be used which results in the escape into the air of any such premises as aforesaid of any fume (including gas or vapour) of such a character and to such extent as to be likely to be injurious or offensive to persons working therein.

Dated 25th June 1964.

Joseph Godber,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order exempts office premises erected at or adjacent to places where building operations or works of engineering construction are carried on and for the purpose of or in connection with the operations or works, from the requirements of section 6 of the Offices, Shops and Railway Premises Act 1963 as to temperature and from the requirement of section 10 of the said Act that water supplied for washing shall be running water. The exemption from section 6 of the said Act is granted subject to conditions relating to the provision for persons employed of means of warming themselves and requiring that no injurious or offensive method be used.

1964 No. 965

SHOPS AND OFFICES

The Washing Facilities Regulations 1964

<i>Made - - - -</i>	25th June 1964
<i>Laid before Parliament</i>	3rd July 1964
<i>Coming into Operation</i>	1st January 1966

The Minister of Labour by virtue of the powers conferred on him by sections 10 and 80(3) of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in these Regulations referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Washing Facilities Regulations 1964 and shall come into operation on 1st January 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"trough" means a trough measuring internally at least four feet over its longest or widest part with a smooth impervious surface and fitted with an unplugged waste pipe and having a supply of warm water laid on at points above the trough and at suitable intervals of not more than two feet;

"unit of trough or washing fountain accommodation" means two feet of length of a trough or, in the cases of circular or oval troughs and washing fountains, two feet of the circumference of the trough or fountain;

"wash-basin" means a fixed basin with a smooth impervious surface, having a supply of clean running hot and cold or warm water and fitted with a waste pipe and (except where the supply of water is from a spray tap) with a plug;

"wash-bowl" includes any water container suitable for use as a washing facility; and

"washing fountain" means a washing fountain measuring internally at least three feet over its widest part, with a smooth impervious surface and fitted with an unplugged waste pipe and having a supply of running warm water.

Application of Regulations

2.—(1) Subject to paragraph (2) of this Regulation, these Regulations shall apply to all office premises, shop premises and railway premises to which the Act applies.

(2) Nothing in these Regulations shall apply to any premises to which the Act applies which are aggregated in a market, being either—

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

- (a) a market held by virtue of a grant from the Crown or of prescription or under statutory authority and which is maintained or regulated by a local or other authority ;
- (b) any market (other than as aforesaid) held in a market place of which the sole or principal use is for and in connection with the sale of horticultural produce by wholesale ; or
- (c) any market (other than a market specified in sub-paragraph (a) or (b) of this paragraph) which is a covered market place to which section 51 (power to adapt Act in relation to covered markets) of the Act relates.

Provision of washing facilities

3.—(1) Except as otherwise provided in these Regulations, in the case of premises to which these Regulations apply the provision of washing facilities for the use of persons employed to work therein shall not be suitable and sufficient provision for the purposes of section 10(1) of the Act—

- (a) unless, in addition to the provision of the facilities specified in the said section 10(1), provision is made—
 - (i) in the case of premises other than those to which sub-paragraph (ii) of this paragraph applies, in accordance with the appropriate provisions of Part I of the Schedule to these Regulations (which relates to the provision of wash-basins, troughs and washing fountains) ; or
 - (ii) in the case of premises to which Part II of the said Schedule applies, in accordance with the appropriate provisions of that Part of the said Schedule (which relates to the provision of fixed or portable wash-bowls) ; and

(b) unless the following provisions of these Regulations are observed.

(2) The premises to which Part II of the said Schedule applies are—

- (a) premises of a class which by virtue of an order of the Minister of Labour pursuant to section 45 of the Act is for the time being exempted from so much of section 10(1) of the Act as requires the water supplied to be running water ; and
- (b) premises which by virtue of section 46 of the Act are for the time being exempted from so much of section 10(1) of the Act as requires the water supplied to be running water.

(3) Where in the case of any premises to which these Regulations apply—

- (a) the number of persons employed to work therein regularly exceeds five at any one time ;
- (b) persons of each sex are regularly employed to work therein ; and
- (c) the circumstances affecting the premises are such that it is reasonably practicable to provide washing facilities in proper separate accommodation for persons of each sex ;

the provision of washing facilities shall be deemed not to be suitable for the purposes of section 10(1) of the Act unless it affords proper separate accommodation for persons of each sex.

(4) Subject to paragraph 5 of this Regulation, in reckoning, for the purposes of this Regulation, Regulations 4 and 5 and paragraphs 1(a), 2, 3(a) and 4 of the said Schedule, a number of persons, no account shall be taken of any person whose daily hours of work in the premises do not normally exceed two.

(5) In its application to persons employed by railway undertakers, who, by virtue of section 90(3) of the Act, are deemed to be employed to work in the premises at which the general control of the doing of their work is exercised, the last foregoing paragraph shall have effect as if the expression "in the premises" were omitted.

Washing facilities the use of which is shared

4.—(1) Where in the case of any premises to which these Regulations apply—

- (a) there are in operation arrangements made in pursuance of section 10(5) of the Act for enabling all or any of the persons employed to work in the premises to have the use of washing facilities provided for the use of others ; or
- (b) washing facilities provided for the use of all or any of the persons employed to work in the premises are made available for regular use by other persons (not being members of the public) ;

then in either of such cases, in determining the number of wash-basins, wash-bowls or units of trough or washing fountain accommodation (as the case may be) required by these Regulations to be provided in the case of the said premises for the said employed persons, the total number of persons for whose regular use the said washing facilities are made available during the periods during which persons are employed to work in the said premises shall be treated as if that were the number of persons regularly employed to work in the said premises at any one time.

(2) Where in any of the following cases, that is to say—

- (a) in the case of a building to which section 42 of the Act applies containing two sets or more of premises to which the Act applies ;
- (b) in the case of a part in single ownership of a building to which section 43 of the Act applies containing two sets or more of premises to which the Act applies ; or
- (c) in the case of a parcel of land in single ownership containing two sets or more of fuel storage premises to which section 44 of the Act applies ;

all or any of the persons employed to work in any two sets or more of any such premises have the use of the same washing facilities provided in pursuance of section 10 of the Act, the total number of the persons regularly so employed at any one time for whose use the facilities are provided shall, for the purpose of applying these Regulations, be treated as if that were a number of persons all of whom are employed to work in one set of premises to which the Act applies.

Washing facilities used by the public

5. Where in the case of any premises to which these Regulations apply in which the number of persons employed to work therein at any one time regularly exceeds ten, the washing facilities provided for the use of, or used by arrangements by, all or any of such persons are also ordinarily made available for general use by members of the public resorting to the premises, the total number of wash-basins, wash-bowls and units of trough and washing fountain accommodation (as the case may be) required by the other provisions of these Regulations to be provided, or to be provided separately according to their sex (as the case may be), for the use of those persons shall in every case be increased by one.

Protection of washing facilities

6. All accommodation where washing facilities are provided in pursuance of section 10(1) of the Act and of these Regulations shall be covered and enclosed to an extent sufficient to ensure protection from the weather for persons using them.

Ventilation of washing accommodation

7. Effective provision shall be made, as far as reasonably practicable, for ventilating rooms in which washing facilities are situated.

Marking of washing accommodation

8. Where in accordance with these Regulations separate accommodation is provided for persons of each sex, the accommodation shall be clearly marked to show for persons of which sex it is so provided.

Dated 25th June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

Regulation 3

PART I

WASH-BASINS, TROUGHS OR WASHING FOUNTAINS TO BE PROVIDED AS WASHING FACILITIES IN ACCORDANCE WITH SECTION 10 OF THE ACT IN THE CASE OF PREMISES NOT EXEMPTED FROM THE REQUIREMENT TO SUPPLY RUNNING WATER

1. In the case of premises (whether or not persons of both sexes are employed to work therein) where—

(a) the number of persons employed to work therein does not regularly exceed five at any one time ; or

(b) of the number of persons regularly employed to work therein there is none whose daily hours of work in the premises normally exceed two ;

one wash-basin or trough or washing fountain.

2. In the case of premises other than premises to which paragraph 1 of this Schedule applies—wash-basins, troughs or washing fountains in accordance with the following scale—

Number of persons regularly employed to work in the premises at any one time (or, where separate accommodation for the sexes is required to be provided, number of such persons of each sex)

Number of wash-basins or units of trough or washing fountain accommodation

1 to 15
16 to 30
31 to 50
51 to 75
76 to 100
Exceeding 100

1
2
3
4
5

5, with the addition of one for every unit of 25 persons by which the number of persons exceeds 100 (any fraction of a unit of 25 persons being treated as one).

PART II

FIXED OR PORTABLE WASH-BOWLS TO BE PROVIDED AS WASHING FACILITIES IN ACCORDANCE WITH SECTION 10 OF THE ACT IN THE CASE OF PREMISES EXEMPTED FROM THE REQUIREMENT TO SUPPLY RUNNING WATER

3. In the case of premises to which this Part of this Schedule applies (whether or not persons of both sexes are employed to work therein) where—

(a) the number of persons employed to work therein does not regularly exceed five at any one time ; or

(b) of the number of persons regularly employed to work therein there is none whose daily hours of work in the premises normally exceed two ;

one fixed or portable wash-bowl.

4. In the case of premises to which this Part of this Schedule applies, other than premises to which paragraph 3 of this Schedule applies—facilities on the scale of one fixed or portable wash-bowl for every unit of five persons (or, where separate accommodation for the sexes is required to be provided, for every unit of five persons of each sex) regularly employed at any one time to work therein (any fraction of a unit being treated as one).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 10(1) of the Offices, Shops and Railway Premises Act 1963 requires that there shall be provided, at places conveniently accessible to persons employed to work in premises to which the said Act applies, suitable and sufficient washing facilities, including a supply of clean, running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying. These Regulations determine for premises to which the said Act applies (other than premises aggregated in certain markets) what is suitable and sufficient provision for the purposes of the said section 10(1).

1964 No. 966

SHOPS AND OFFICES

The Sanitary Conveniences Regulations 1964

<i>Made - - - -</i>	<i>25th June 1964</i>
<i>Laid before Parliament</i>	<i>3rd July 1964</i>
<i>Coming into Operation</i>	<i>1st January 1966</i>

The Minister of Labour by virtue of the powers conferred on him by sections 9 and 80(3) of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in these Regulations referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sanitary Conveniences Regulations 1964 and shall come into operation on 1st January 1966.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"chemical closet" means a closet having a receptacle for the reception of faecal matter and its deodorisation by the use of suitable chemicals;

"drainage system" means a drainage system connected to a sewer, to a cesspool or to a settlement tank or other tank for the reception or disposal of foul matter;

"urinal" means a urinal which is connected to a drainage system and which has provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action; and

"watercloset" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

Application of Regulations

2.—(1) Subject to paragraph (2) of this Regulation, these Regulations shall apply to all office premises, shop premises and railway premises to which the Act applies.

(2) Nothing in these Regulations shall apply to any premises to which the Act applies which are aggregated in a market, being either—

(a) a market held by virtue of a grant from the Crown or of prescription or under statutory authority and which is maintained or regulated by a local or other authority;

- (b) any market (other than as aforesaid) held in a market place of which the sole or principal use is for and in connection with the sale of horticultural produce by wholesale ; or
- (c) any market (other than a market specified in sub-paragraph (a) or (b) of this paragraph) which is a covered market place to which section 51 (power to adapt Act in relation to covered markets) of the Act relates.

Provision of sanitary conveniences

3.—(1) Except as otherwise provided in these Regulations, in the case of premises to which these Regulations apply the provision of sanitary conveniences for the use of persons employed to work therein shall not be suitable and sufficient provision for the purposes of section 9(1) of the Act—

(a) unless provision is made—

- (i) in the case of premises other than those to which sub-paragraph (ii) of this paragraph applies, in accordance with the appropriate provisions of Part I of the Schedule to these Regulations (which relates to the provision of waterclosets and urinals) ; or
- (ii) where it is not reasonably practicable in the case of any premises to provide a drainage system for, and a supply of clean water for flushing, waterclosets and urinals, in accordance with the appropriate provisions of Part II of the said Schedule (which relates to the provision of chemical closets) ; and

(b) unless the following provisions of these Regulations are observed.

(2) Sanitary conveniences available for use by all members of the public (or all members of the public of the same sex) and provided by a county council or local authority by virtue of powers contained in any enactment shall not constitute the provision of suitable and sufficient sanitary conveniences for the purposes of section 9(1) of the Act.

(3) Subject to paragraph 4 of this Regulation, in reckoning, for the purposes of Regulations 4, 5 and 9 and paragraphs 1(a), 2, 4(a) and 5 of the said Schedule, a number of persons, no account shall be taken of any person whose daily hours of work in the premises do not normally exceed two.

(4) In its application to persons employed by railway undertakers, who, by virtue of section 90(3) of the Act, are deemed to be employed to work in the premises at which the general control of the doing of their work is exercised, the last foregoing paragraph shall have effect as if the expression “ in the premises ” were omitted.

Sanitary conveniences the use of which is shared

4.—(1) Where in the case of any premises to which these Regulations apply—

- (a) there are in operation arrangements made in pursuance of section 9(5) of the Act for enabling all or any of the persons employed to work in the premises to have the use of sanitary conveniences provided for the use of others ; or
- (b) sanitary conveniences provided for the use of all or any of the persons employed to work in the premises are made available for regular use by other persons (not being members of the public) ;

then in either of such cases, in determining the number of sanitary conveniences required by these Regulations to be provided in the case of the said premises for the said employed persons, the total number of persons for whose regular use the said sanitary conveniences are made available during the periods during which persons are employed to work in the said premises shall be treated as if that were the number of persons regularly employed to work in the said premises at any one time.

(2) Where in any of the following cases, that is to say—

(a) in the case of a building to which section 42 of the Act applies containing two sets or more of premises to which the Act applies ;

(b) in the case of a part in single ownership of a building to which section 43 of the Act applies containing two sets or more of premises to which the Act applies ; or

(c) in the case of a parcel of land in single ownership containing two sets or more of fuel storage premises to which section 44 of the Act applies ;

all or any of the persons employed to work in any two sets or more of any such premises have the use of the same sanitary conveniences provided in pursuance of section 9 of the Act, the total number of the persons regularly so employed at any one time for whose use the conveniences are provided shall, for the purpose of applying these Regulations, be treated as if that were a number of persons all of whom are employed to work in one set of premises to which the Act applies.

Sanitary conveniences used by the public

5. Where in the case of any premises to which these Regulations apply in which the number of persons employed to work therein at any one time regularly exceeds ten, the sanitary conveniences provided for the use of, or used by arrangements by, all or any of such persons are also ordinarily made available for general use by members of the public resorting to the premises, the number of waterclosets or chemical closets (as the case may be) required by the other provisions of these Regulations to be provided, or to be provided separately according to their sex (as the case may be), for the use of those persons shall in every case be increased by one.

Situation of sanitary conveniences

6.—(1) No sanitary convenience provided in pursuance of these Regulations shall be situated in any room in which any person (other than a lavatory attendant) is employed to work.

(2) Except as provided in paragraph (3) of this Regulation, no water-closet and chemical closet, no accommodation in which a urinal is provided and no accommodation containing a watercloset or chemical closet which, in either case, is not wholly enclosed shall be so situated that access to it is obtained directly from any room in which any person (other than a lavatory attendant) is employed to work.

(3) The requirements of paragraph (2) of this Regulation shall not apply where—

(a) it is not reasonably practicable to comply with such requirements in the case of any watercloset, chemical closet or accommodation of any kind referred to in the said paragraph (as the case may be) ; and

(b) the watercloset, chemical closet or accommodation (as the case may be) was first installed or constructed before the date of the making of these Regulations in a building for use therein ;

and in any such case the watercloset, chemical closet or accommodation shall be provided with effective mechanical means of ventilation which shall discharge directly into the open air and which shall be kept in operation during the periods during which any person is employed to work in the room from which access is obtained directly to the watercloset, chemical closet or accommodation (as the case may be).

(4) Any enclosed space between a watercloset, chemical closet or accommodation where a urinal is provided and any room in which any person (other than a lavatory attendant) is employed to work shall be provided with effective means of ventilation.

Protection and privacy of sanitary conveniences

7.—(1) All accommodation where any watercloset, chemical closet or urinal is provided in pursuance of these Regulations shall be covered to an extent sufficient to ensure protection from the weather for persons using it.

(2) Every watercloset and chemical closet provided in pursuance of these Regulations shall be enclosed to an extent sufficient to ensure privacy and be fitted with a suitable door and door fastening.

(3) Every urinal provided in pursuance of these Regulations shall be so placed or so screened as not to be visible from outside the accommodation where the urinal is situated.

Marking of sanitary accommodation

8. Where in accordance with these Regulations separate accommodation is provided for persons of each sex, the accommodation shall be clearly marked to show for persons of which sex it is so provided.

Disposal of sanitary dressings

9.—(1) Where in any case the total number of female persons (not being members of the public) for whose regular use sanitary conveniences are made available exceeds ten, suitable and effective means for the disposal of sanitary dressings shall be provided.

(2) All means provided for the disposal of sanitary dressings in accordance with the foregoing paragraph of this Regulation shall be constantly maintained in proper condition and where the means provided consist of or include bins the contents of the bins shall be disposed of at suitable intervals.

Dated 25th June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

Regulation 3

PART I

WATERCLOSETS AND URINALS TO BE PROVIDED IN ACCORDANCE WITH
SECTION 9 OF THE ACT

1. In the case of premises (whether or not persons of both sexes are employed to work therein) where—

(a) the number of persons employed to work therein does not regularly exceed five at any one time ; or

(b) of the number of persons regularly employed to work therein there is none whose daily hours of work in the premises normally exceed two ;

One watercloset.

2. In the case of premises other than premises to which paragraph 1 of this Schedule applies—accommodation in accordance with the following scales, which accommodation shall be provided separately for persons of each sex—

(a) for females, and

(b) for males (where urinal accommodation is not provided in accordance with the scale set out in sub-paragraph (c) of this paragraph)—

*Number of persons of each sex
regularly employed to work in
the premises at any one time*

Number of waterclosets

1 to 15	1
16 to 30	2
31 to 50	3
51 to 75	4
76 to 100	5
Exceeding 100	5, with the addition of one for every unit of 25 persons by which the number of persons exceeds 100 (any fraction of a unit of 25 persons being treated as one).

(c) for males (where urinal accommodation is provided)—

*Number of male persons
regularly employed to
work in the premises
at any one time*

*Number of
waterclosets*

*Units of urinal
accommodation*

1 to 15	1	—
16 to 20	1	1
21 to 30	2	1
31 to 45	2	2
46 to 60	3	2
61 to 75	3	3
76 to 90	4	3
91 to 100	4	4
Exceeding 100	4	4

with the addition of one sanitary convenience (being either a watercloset or a unit of urinal accommodation) for every unit of 25 persons by which the number of persons exceeds 100 (any fraction of a unit of 25 persons being treated as one) of which additional number of sanitary conveniences not less than three-quarters shall be waterclosets (any fraction being treated as one).

3. For the purposes of this Part of this Schedule, the expression "unit of urinal accommodation" means one stall of a urinal or, where stalls are not provided, two feet of space of a urinal.

PART II

CHEMICAL CLOSETS TO BE PROVIDED IN ACCORDANCE WITH SECTION 9 OF THE ACT

4. In the case of premises (whether or not persons of both sexes are employed to work therein) where—

(a) the number of persons employed to work therein does not regularly exceed five at any one time ; or

(b) of the number of persons regularly employed to work therein there is none whose daily hours of work in the premises normally exceed two ;
one chemical closet.

5. In the case of premises other than premises to which paragraph 4 of this Schedule applies—accommodation in accordance with the following scales, which accommodation shall be provided separately for persons of each sex—

*Number of persons of each sex
regularly employed to work in
the premises at any one time*

Number of chemical closets

1 to 15
16 to 30
31 to 50
51 to 75
76 to 100
Exceeding 100

1
2
3
4
5

5, with the addition of one for every unit of 25 persons by which the number of persons exceeds 100 (any fraction of a unit of 25 persons being treated as one).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 9(1) of the Offices, Shops and Railway Premises Act 1963 requires that there shall be provided, at places conveniently accessible to persons employed to work in premises to which the said Act applies, suitable and sufficient sanitary conveniences for their use. These Regulations determine for premises to which the said Act applies (other than premises aggregated in certain markets) what is suitable and sufficient provision for the purposes of the said section 9(1).

 STATUTORY INSTRUMENTS

1964 No. 967

HORTICULTURE

**The Horticultural Improvements (Standard Costs)
(Amendment) Regulations 1964**

<i>Made - - - -</i>	<i>25th June 1964</i>
<i>Laid before Parliament</i>	<i>30th June 1964</i>
<i>Coming into Operation</i>	<i>1st July 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred upon them by sections 3 and 6 of the Horticulture Act 1960(a) (including the powers conferred upon them by the said section 3 as applied by section 3(2) of the Agriculture and Horticulture Act 1964(b), which latter section is by virtue of section 8 of that Act to be construed as one with Part I of the Horticulture Act 1960) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following regulations:—

1. These regulations may be cited as the Horticultural Improvements (Standard Costs) (Amendment) Regulations 1964; and shall come into operation on 1st July 1964.

2. The Horticultural Improvements (Standard Costs) Regulations 1963(c) shall be amended as follows:—

(a) by inserting in regulation 2(1) thereof after the words “the Horticulture Act 1960” in the definition of “operation” the words “or, in the case of operation 70A, falling within section 3(1) of the Agriculture and Horticulture Act 1964,”;

(b) by adding at the end of regulation 2(4) thereof the following proviso:—

“Provided that these regulations shall cease to have effect on and after 1st July 1964 in respect of operations 6, 7, 8, 9, 10, 11, 26, 48, 54 and 70 except to the extent that they are included in proposals approved before that date.”;

(c) by substituting in sub-paragraph (b) in the second paragraph in Part I of Schedule 1 thereto for the words “operations 6 to 10 inclusive” the words “operations 6, 7, 8, 9 and 10”;

(d) by inserting at the appropriate places in the said Part I the operations, requirements and rates set out in the Schedule to these regulations;

(e) by inserting in the first item in column 1 of the Table in Part II of the said Schedule 1, immediately after the word “store,” the words “mushroom house (conventional design), rhubarb shed (conventional design), wall insulation of mushroom house or rhubarb shed of conventional design, insulation of mushroom house or rhubarb shed with curved or cranked roof sheeting.”;

(a) 8 & 9 Eliz. 2. c. 22.

(b) 1964 c. 28.

(c) S.I. 1963/1292 (1963 II, p. 2211).

- (f) by adding at the end of the third item in the said column 1 the words “, mushroom house or rhubarb shed with curved or cranked roof sheeting”;
- (g) by substituting in paragraph 2 of the said Part II for the numbers “ 1, 2, 3, or 5 ” the numbers “ 1, 2, 3, 5, 5A, 5B or 5C ”;
- (h) by substituting for paragraph 1 of Schedule 2 thereto the following paragraph :—

“ 1. All materials used in any part of an operation shall be of good quality and in a suitable condition : and no such materials shall have been previously used, except any of the following materials used in accordance with these regulations, namely—

- (a) approved railway sleepers, in the carrying out of operation 7, 7A, 7B, 8 or 8A ;
- (b) brick, stone, ungraded materials or other approved material, in the carrying out of operation 18, 23, 46, 56, 57 or 64 ; and
- (c) approved materials from any dismantled glasshouse, in the carrying out of operation 6A, 6B, 7A, 7B, 9A, 9B, 10A or 10B.

There may be used in substitution for any material specified in these regulations any other material approved as being equally effective for its purpose, being material which has not been previously used.”;

- (j) by substituting for the final sentence in paragraph 2(e) of the said Schedule 2 the following sentence “ In the case of a glasshouse a damp-proof course shall not be necessary, but if none is provided a suitable protective layer shall be inserted to prevent contact between any timber and the wall.”;
- (k) by substituting for the final sentence in paragraph 2(h) of the said Schedule the following sentence “ The thickness of concrete shall be not less than 4” except that in glasshouses concrete used for the floors of borders or for footpaths shall be not less than 3” thick.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th June 1964.

(L.S.)

24th June 1964.

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Edward Heath,
One of Her Majesty's Principal Secretaries
of State.

Approved.

25th June 1964.

Ian MacArthur,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Operation	Requirements	Rate
Column 1	Column 2	Column 3
<p>5A. Mushroom house. (Conventional design)</p>	<p>(a) The building shall be of traditional or framed construction and shall have a minimum internal width of 15' 0" and a minimum height of 8' 0" to the eaves. (b) Adequate doors and ventilation shall be provided in accordance with the needs of the building. (c) External walls shall be of brick, concrete blocks, hollow clay blocks or other approved material and shall be of continuous cavity or other approved equivalent form of construction.</p>	<p>Per square foot of floor area (a) for the first 1,000 square feet 14 3 (b) for the next 2,000 square feet 10 0 (c) for the next 2,000 square feet 8 6 (d) thereafter 7 3</p>
<p>5B. Rhubarb shed. (Conventional design).</p>	<p>(a) The building shall be of traditional or framed construction and shall have a minimum internal width of 15' 0" and a height of not less than 5' 0" and of not more than 8' 0" to the eaves. (b) Adequate doors and ventilation shall be provided in accordance with the needs of the building. (c) External walls shall be of brick, concrete blocks or hollow clay blocks, and not less than 9" thick in each case, or of other approved material and construction.</p>	<p>Per square foot of floor area (a) for the first 1,000 square feet 12 9 (b) for the next 2,000 square feet 10 3 (c) for the next 2,000 square feet 8 9 (d) thereafter 7 6</p>
<p>5C. Mushroom house or rhubarb shed with curved or cranked roof sheeting.</p>	<p>(a) The building shall be constructed of curved or cranked roof sheeting arched over and supported by brick or concrete sills. If of curved sheeting, side walls shall be provided, which shall not be less than 2' 6" high above ground level at either side. The building shall have a minimum internal width of 18' 0" and a height of not less than 10' 0" to the crown of the roof. (b) The end walls shall be carried to the full height of the building. (c) External dwarf and end walls shall be of brick, concrete blocks, hollow clay blocks or other approved material and shall be of continuous cavity or other approved equivalent form of construction. (d) Adequate doors and ventilation shall be provided in accordance with the needs of the building.</p>	<p>Per square foot of floor area (a) for the first 500 square feet 8 6 (b) thereafter 4 6</p>

Operation	Requirements	Rate
Column 1	Column 2	Column 3
<p>5D. Wall insulation of mushroom house or rhubarb shed of conventional design.</p>	<p>The insulating material shall be in slab or other approved form and fixed to the inside of the external wall either directly by an approved adhesive, indirectly by battening out or by some other approved method. If wooden battens are used they shall be pressure-treated with preservative unless they are of an approved durable species of wood. The insulating material shall be provided with suitable vapour barriers, shall have an approved vapour resisting finish on its internal face or be protected by an approved internal wall lining sealed at all joints. The final composite construction of the insulated walling shall have a U-value of not more than 0.2.</p>	<p>Per square yard £ s. d. 7 9</p>
<p>5E. Insulation of mushroom house or rhubarb shed with curved or cranked roof sheeting.</p>	<p>The insulation shall be fixed to the under side of the roof sheeting and shall be of approved materials and construction sufficient to provide a U-value of not more than 0.2. Battens shall be of wood which, unless of an approved durable species, shall be pressure-treated with preservative. The insulating material shall be provided with suitable vapour barriers, shall have an approved vapour resisting finish on its internal face or be protected by an approved internal lining sealed at all joints.</p>	<p>Per square yard 9 0</p>
<p>Where in the case of any glasshouse the rate is expressed in terms of square feet of glazed area, that area shall be taken to be the glazed area of the roof, sides and ends of the glasshouse and shall be deemed to include the glazed area of any doors or ventilators therein.</p>		
<p>6A. Static glasshouse constructed of metal and glazed with sheets of unframed glass.</p>	<p>The glasshouse shall be of approved design and materials and shall be erected on suitable foundations. Sheets of glass shall be not less than 24" wide. Glass in sheets less than 28½" wide shall weigh not less than 24 oz. per square foot. Glass in sheets of a width of 28½" or more shall weigh not less than 26 oz. per square foot. Doors and ventilators shall be provided as necessary. Eaves and valleys shall be fitted with gutters and down pipes.</p>	<p>Per square foot of glazed area (a) Where the cost of materials is included and (i) each sheet of glass is less than 28½" wide 4 3 (ii) Each sheet of glass is 28½" wide or more 4 0 (b) Cost of labour only 6</p>

Per square foot of glazed area
 (a) Where the cost of materials is included and
 (i) Each sheet of glass is less than 28½" wide 3 9
 (ii) Each sheet of glass is 28½" wide or more 3 6
 (b) Cost of labour only 3 9

The glasshouse shall be of approved design and materials and shall be erected on suitable foundations. Sheets of glass shall be not less than 24" wide. Glass in sheets less than 28½" wide shall weigh not less than 24 oz. per square foot. Glass in sheets of a width of 28½" or more shall weigh not less than 26 oz. per square foot. If wooden glazing bars are used they shall be nailed to purlins by nails passing through the rebates of the glazing bars. Doors and ventilators shall be provided as necessary. Eaves and valleys shall be fitted with gutters and down pipes.

Per square foot of glazed area
 (a) Where the cost of materials is included 3 3
 (b) Cost of labour only 3 3

The glasshouse shall be of approved design and materials erected on suitable foundations. The glass shall weigh not less than 24 oz. per square foot. Doors and ventilators shall be provided as necessary. Eaves and valleys shall be provided with gutters and down pipes as necessary.

Per square foot of glazed area
 (a) Where the cost of materials is included 2 6
 (b) Cost of labour only 3 3

The glasshouse shall conform to all the requirements for operation 7A.

Per square foot of glazed area 2 6

The glasshouse shall be of approved design and materials and shall be erected on suitable foundations. Doors and ventilators shall be provided as necessary.

Per square foot of glazed area
 (a) Where the cost of the materials is included and
 (i) Each sheet of glass is less than 28½" wide 4 11
 (ii) Each sheet of glass is 28½" wide or more 4 8
 (b) Cost of labour only 4 6

The glasshouse shall be of approved design and materials. Sheets of glass shall be not less than 24" wide. Glass in sheets less than 28½" wide shall weigh not less than 24 oz. per square foot. Glass in sheets of a width of 28½" or more shall weigh not less than 26 oz. per square foot. Doors and ventilators shall be provided as necessary. The glasshouse shall be mounted on rails and wheels supported either by side walls of approved materials and construction or by concrete dollies set securely in the ground. Where dollies are used, adequate means of filling the spaces between the dollies shall be provided to make the glasshouse draught proof.

Per square foot of glazed area
 (a) Where the cost of materials is included and
 (i) Each sheet of glass is less than 28½" wide 4 5
 (ii) Each sheet of glass is 28½" wide or more 4 2
 (b) Cost of labour only 4 9

The glasshouse shall conform to all the requirements for operation 9A.

6B. Static glasshouse constructed of wood and glazed with sheets of unframed glass.

7A. Static glasshouse constructed of metal and glazed with Dutch lights.

7B. Static glasshouse constructed of wood and glazed with Dutch lights.

8A. Static glasshouse comprising Dutch lights without any supporting structure.

9A. Mobile glasshouse constructed of metal and glazed with sheets of unframed glass.

9B. Mobile glasshouse constructed of wood and glazed with sheets of unframed glass.

Operation	Requirements	Rate
Column 1	Column 2	Column 3
<p>10A. Mobile glasshouse constructed of metal and glazed with Dutch lights.</p>	<p>The glasshouse shall be of approved design and materials. The glass shall weigh not less than 24 oz. per square foot. Doors and ventilators shall be provided as necessary. The glasshouse shall be mounted on rails and wheels supported either by side walls of approved materials and construction or by concrete dollies set securely in the ground. Where dollies are used, adequate means of filling the space between the dollies shall be provided to make the glasshouse draught proof.</p>	<p>Per square foot of glazed area (a) Where the cost of the materials is included 3 11 (b) Cost of labour only 3</p>
<p>10B. Mobile glasshouse constructed of wood and glazed with Dutch lights.</p>	<p>The glasshouse shall conform to all the requirements for operation 10A.</p>	<p>Per square foot of glazed area (a) Where the cost of materials is included ... 3 2 (b) Cost of labour only 3</p>
<p>11A. Rail for mobile glasshouse.</p>	<p>The rail shall be of material, shape and size suitable for the purpose and shall be securely fixed to a wall, to dollies or to the glasshouse.</p>	<p>Per foot run 2 3</p>
<p>26A. Concreting.</p>	<p>_____</p>	<p>Per square yard (a) not less than 3" but less than 4" thick ... 7 9 (b) not less than 4" but less than 6" thick ... 10 3 (c) not less than 6" thick 15 6</p>
<p>48A. Galvanised steel piping.</p>	<p>The piping shall conform to British Standard 1387:1957 (Amended 1962 and 1963).</p>	<p>Per foot run (a) with 1" diameter piping 1 3 (b) with 1 1/2" diameter piping 1 9 (c) with 1" diameter piping 2 9 (d) with 1 1/2" diameter piping 3 6 (e) with 1 1/2" diameter piping 3 9</p>
<p>48B. Polythene piping.</p>	<p>The piping shall conform to British Standard 1284:1963. It shall be used only for cold water services and waste pipes. The jointing shall be of an approved type.</p>	<p>Per foot run (a) with 1/2" diameter piping 1 3 (b) with 3/4" diameter piping 1 9 (c) with 1" diameter piping 2 9 (d) with 1 1/2" diameter piping 3 6 (e) with 1 1/2" diameter piping 3 9</p>

48C. Polyvinyl chloride piping (unplasticised).
The piping shall conform to Table 2 of British Standard 3505:1962 (Amended 1963) Type 1140. It shall be used only for cold water services and waste pipes. The jointing shall be of an approved type.

Per foot run

(a) with $\frac{1}{2}$ " diameter Class C piping	1 0
(b) with $\frac{3}{4}$ " diameter Class C or D piping	1 0
(c) with 1" diameter Class C or D piping	1 3
(d) with $1\frac{1}{4}$ " diameter Class B, C or D piping	1 6
(e) with $1\frac{1}{2}$ " diameter Class B, C or D piping	1 9

54A. Polythene piping.
(i) The piping shall conform to British Standard 1972: 1961 (Amended 1963) or British Standard 3284: 1963, and shall be of heavy gauge.
(ii) Requirement (b) for operation 51 shall be compiled with.

Per foot run

(a) with $\frac{1}{2}$ " diameter piping	1 6
(b) with $\frac{3}{4}$ " diameter piping	2 0
(c) with 1" diameter piping	2 6
(d) with $1\frac{1}{4}$ " diameter piping	3 3
(e) with $1\frac{1}{2}$ " diameter piping	3 6

54B. Polyvinyl chloride piping (unplasticised).
(i) The piping shall conform to Table 2 of British Standard 3505:1962 (Amended 1963) Type 1140. The jointing shall be of an approved type.
(ii) Requirement (b) for operation 51 shall be compiled with.

Per foot run

(a) $\frac{1}{2}$ " diameter Class D piping	1 3
(b) $\frac{3}{4}$ " diameter Class C or D piping	1 3
(c) 1" diameter Class C or D piping	1 6
(d) $1\frac{1}{4}$ " diameter Class B, C or D piping	1 9
(e) $1\frac{1}{2}$ " diameter Class B, C or D piping	2 0
(f) 2" diameter Class B, C or D piping	2 3
(g) $2\frac{1}{2}$ " diameter Class B, C or D piping	2 9
(h) 3" diameter Class B, C or D piping	3 6
(i) 4" diameter Class B, C or D piping	5 0

70A. Grubbing or clearing orchards.
All trees and bushes shall be removed, their disposal satisfactorily effected and the land brought to a state in which the first ploughing can be satisfactorily carried out.

Per tree (up to a maximum of 500 trees per acre or proportionate equivalent)

(a) with a trunk girth of not less than 10" but less than 15"	2 0
(b) with a trunk girth of not less than 15" but less than 25"	5 0
(c) with a trunk girth of not less than 25" but less than 35"	9 0
(d) with a trunk girth of not less than 35" but less than 45"	14 0
(e) with a trunk girth of not less than 45" but less than 57"	18 0
(f) with a trunk girth of not less than 57"	1 5 0

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend and supplement the Horticultural Improvements (Standard Costs) Regulations 1963 in relation to operations included in proposals which are approved on or after 1st July 1964. The following are the principal changes :—

- (a) Standard costs are fixed for the first time for—
 - (i) Mushroom houses.
 - (ii) Rhubarb sheds.
 - (iii) Insulation for mushroom houses and rhubarb sheds.
- (b) The operations relating to glasshouses (except a static glasshouse comprising Dutch lights without any supporting structure) are subdivided into operations for constructing glasshouses of metal or of wood ; and within each sub-division, where the cost of materials is included, the standard costs differ according to the width of the glass. A standard cost is fixed for the first time in respect of the cost of labour only.
- (c) The standard costs for all types of glasshouse are fixed in relation to the glazed area instead of the floor area.
- (d) In place of a standard cost for a side wall surmounted by a rail for a mobile glasshouse, a standard cost is fixed for a rail only.
- (e) A standard cost is fixed for concreting less than 4" thick but not less than 3" thick.
- (f) In place of plastic piping for both internal plumbing and services and external cold water supplies (underground), polythene piping and polyvinyl chloride piping (unplasticised) are listed as distinct operations, with lower standard costs for polyvinyl chloride piping of diameters not exceeding 1½" ; for the first time standard costs are fixed for polyvinyl chloride piping of diameters exceeding 1½" for external cold water supplies.
- (g) In the operation of grubbing or clearing orchards the standard cost for trees with a girth not less than 57" is increased.
- (h) The operations referred to in sub-paragraph (a) above have been added to the Table in Part II of Schedule 1 which sets out the percentage which may be added to the standard cost when fees for professional advice or assistance have been incurred.
- (j) Mushroom houses and rhubarb sheds have been added to the operations in respect of which a reduction is required (by paragraph 2 in Part II of Schedule 1) of 40s. 0d. a square yard of wall rendered unnecessary by reason of the building being constructed as a lean-to, or as part of or adjacent to any other construction.
- (k) The operations in which previously-used materials may be incorporated are more precisely defined and materials from a dismantled glasshouse may now be used in constructing glasshouses, other than static glasshouses comprising Dutch lights without any supporting structure.
- (l) The general specifications are amended as respects damp-proofing in glasshouses and the thickness of concrete floors.

These regulations fix standard costs in respect of the operation of clearing an orchard where such clearance is approved, on or after 1st July 1964, for grant under section 3 of the Agriculture and Horticulture Act 1964.

1964 No. 970

SHOPS AND OFFICES

**The Offices, Shops and Railway Premises First Aid
Order 1964**

Made 25th June 1964

Coming into Operation—

Article 4 1st September 1965

Remainder 1st December 1964

The Minister of Labour by virtue of the powers conferred on him by sections 24(2) and (6) and 80(3) and (4) of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Offices, Shops and Railway Premises First Aid Order 1964 and shall come into operation on 1st December 1964 with the exception of Article 4 which shall come into operation on 1st September 1965.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order—

"approved" means approved for the time being by instrument in writing by the Minister of Labour;

"first-aid box or cupboard" means a first-aid box or cupboard required by section 24 of the Act to be provided.

2. Each first-aid box or cupboard required by section 24(1) of the Act to be provided in the case of any office, shop or railway premises to which the Act applies shall contain first-aid requisites and appliances of the descriptions and in the quantities specified in the provisions of the Schedule to this Order appropriate to the premises in the case of which the box or cupboard is so provided and to the circumstances for the time being existing therein.

3. All materials for dressings required by this Order to be contained in first-aid boxes and cupboards shall be those designated in, and of a grade or quality not lower than the standard specified by, the British Pharmaceutical Codex and any supplement thereto, being the British Pharmaceutical Codex and any supplement current at the date of this Order or approved for the purposes of this Order.

4.—(1) For the purposes of section 24 of the Act a person shall be deemed not to be trained in first-aid treatment unless—

(a) he is a registered or enrolled nurse within the meaning of the Nurses Acts 1957 and 1961(c) or the Nurses (Scotland) Acts 1951 and 1961(d);

or

(a) 1963 c. 41. (b) 52 & 53 Vict. c. 63. (c) 5 & 6 Eliz. 2. c. 15 and 9 & 10 Eliz. 2. c. 14.
(d) 14 & 15 Geo. 6. c. 55 and 9 & 10 Eliz. 2. c. 14.

- (b) he is the holder of a certificate in first-aid issued within the immediately preceding period of three years by, or is otherwise recognised as being qualified in first-aid treatment by, a training organisation:

Provided that until the expiration of 31st December 1966 a person shall be deemed to be so trained if at any time during the period of ten years immediately preceding the date of the making of this Order he was the holder of a certificate in first-aid treatment issued by a training organisation.

(2) In this Article—

- (a) “certificate in first-aid” does not include any certificate in first-aid of a kind which is issued to persons under the age of 15 years, whether or not any such kind of certificate is also issued to persons aged 15 years or over;
- (b) “training organisation” means the St. John Ambulance Association of the Order of St. John, the St. Andrew’s Ambulance Association, the British Red Cross Society, or any other body or society approved for the purposes of this Article.

Dated 25th June 1964.

Joseph Godber,
Minister of Labour.

Article 2

SCHEDULE

CONTENTS OF FIRST-AID BOXES AND CUPBOARDS

PART I

1. In the case of all office and shop premises to which the Act applies, other than those to which paragraphs 2 and 3 of this Schedule apply, the contents of a first-aid box or cupboard to be provided shall be in accordance with the following scale:—

*Number of persons employed to
work in the premises at
any one time*

*Contents of first-aid box
or cupboard*

1 to 10	Contents No. 1.
11 to 50	Contents No. 2.
51 to 150	Contents No. 3.
exceeding 150	Contents No. 3 for each unit of 150, and for any number in excess of a multiple of 150 the contents required to be provided where that number of persons is employed to work in premises at any one time.

2. In the case of the following premises, that is to say—

- (a) railway premises ;
(b) fuel storage premises ; and

(c) warehouses in or for the purposes of which mechanical power is used ; the contents of a first-aid box or cupboard to be provided shall be in accordance with the following scale:—

Number of persons employed to work in the premises at any one time

Contents of first-aid box or cupboard

1 to 10	Contents No. 2.
11 to 50	Contents No. 3.
51 to 150	Contents No. 4.
exceeding 150	Contents No. 4 for each unit of 150, and for any number in excess of a multiple of 150 the contents required to be provided where that number of persons is employed to work in premises at any one time.

3. In the case of the following premises (not being premises to which paragraph 2 of this Schedule applies), that is to say—

(a) premises in which butchery work is carried on ; and

(b) premises in which machinery is used for all or any of the following, that is to say, cutting, slicing and sawing ;

the contents of a first-aid box or cupboard to be provided shall be in accordance with the following scale:—

Number of persons employed to work in the premises at any one time

Contents of first-aid box or cupboard

1 to 50	Contents No. 2.
51 to 150	Contents No. 3.
exceeding 150	Contents No. 3 for each unit of 150, and for any number in excess of a multiple of 150 the contents required to be provided where that number of persons is employed to work in premises at any one time.

4. For the purposes of this Part of this Schedule the expressions “contents No. 1”, “contents No. 2”, “contents No. 3” and “contents No. 4” mean first-aid requisites and appliances of the descriptions and in the quantities specified in this paragraph in relation, respectively, to each such expression, namely:—

<i>Descriptions of first-aid requisites and appliances</i>	<i>Quantities</i>			
	<i>Contents No. 1</i>	<i>Contents No. 2</i>	<i>Contents No. 3</i>	<i>Contents No. 4</i>
(1) Sterilised unmedicated dressings—				
(a) finger	3	6	12	24
(b) medium-sized	2	3	6	12
(c) large	1	3	6	12
(2) Adhesive wound dressings of assorted sizes and of a description specified in Part II of this Schedule	12	12	24	36

<i>Descriptions of first-aid requisites and appliances</i>	<i>Quantities</i>			
	<i>Contents No. 1</i>	<i>Contents No. 2</i>	<i>Contents No. 3</i>	<i>Contents No. 4</i>
(3) Triangular bandages of unbleached calico, the longest side of which measures not less than 51 inches and each of the other sides not less than 36 inches	1	2	4	8
(4) Adhesive plaster (one inch in width)	5 yards	5 yards	10 yards	10 yards
(5) $\frac{1}{2}$ oz. packets of absorbent sterilised cotton wool	1	2	3	6
(6) Sterilised eye-pads in separate sealed packets	1	2	4	8
(7) Safety-pins	6	6	12	12
(8) Rubber bandage or pressure bandage	—	1	1	1
(9) Leaflet (SHW.1) giving advice on first-aid treatment issued by the Minister of Labour	1	1	1	1

PART II

Description of adhesive wound dressing

An adhesive wound dressing shall consist of a pad fixed to a piece of plaster, waterproof or otherwise, as centrally as possible so as to leave an adequate margin of adhesive surface all round. The pad and the margin of adhesive surface shall be protected by muslin or other suitable material for removal before use. The pad shall be a piece of absorbent lint or other suitable material which, in either case, shall either be unmedicated or contain a medication specified for surgical dressings in the British Pharmaceutical Codex and any supplement thereto, being the British Pharmaceutical Codex and any supplement current at the date of this Order or approved for the purposes of this Order. Each dressing shall be put up in an individual sealed pack marked clearly to indicate its content.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes, for the purposes of section 24 of the Offices, Shops and Railway Premises Act 1963, the first-aid requisites and appliances to be contained in first-aid boxes and cupboards provided under that section in the case of office, shop and railway premises.

The Order also prescribes the conditions which a person is required to satisfy before he is deemed to be trained in first-aid treatment for the purposes of the said section 24.

1964 No. 971

SHOPS AND OFFICES

The Prescribed Dangerous Machines Order 1964

Made - - - - - 25th June 1964

Coming into Operation 1st August 1964

The Minister of Labour by virtue of the powers conferred on him by section 19 of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Prescribed Dangerous Machines Order 1964 and shall come into operation on 1st August 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The machines specified in the Schedule to this Order are hereby prescribed as being machines which in the opinion of the Minister of Labour are of such a dangerous character that persons ought not to work at them unless the requirements of section 19(1) of the Act are complied with.

Dated 25th June 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

Article 2

PART I

The following machines when worked with the aid of mechanical power—

1. Worm-type mincing machines.
2. Rotary knife bowl-type chopping machines.
3. Dough brakes.
4. Dough mixers.
5. Food mixing machines when used with attachments for mincing, slicing, chipping or any other cutting operation, or for crumbing.
6. Pie and tart making machines.
7. Vegetable slicing machines.
8. Wrapping and packing machines.
9. Garment presses.

10. Opening or teasing machines used for upholstery or bedding work.
11. Corner staying machines.
12. Loose knife punching machines.
13. Wire stitching machines.
14. Machines of any type equipped with a circular saw blade.
15. Machines of any type equipped with a saw in the form of a continuous band or strip.
16. Planing machines, vertical spindle moulding machines and routing machines, being, in any case, machines used for cutting wood, wood products, fibre-board, plastic or similar material.

PART II

The following machines whether worked with the aid of mechanical power or not—

17. Circular knife slicing machines used for cutting bacon and other foods (whether similar to bacon or not).
18. Potato chipping machines.
19. Platen printing machines, including such machines when used for cutting and creasing.
20. Guillotine machines.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes for the purposes of section 19 of the Offices, Shops and Railway Premises Act 1963 a number of dangerous machines at which a person must not work unless he has been fully instructed as to the dangers arising and the precautions to be observed, and either has received a sufficient training in work at the machine or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

1964 No. 972

WAGES COUNCILS**The Wages Regulation (Baking) (England and Wales)
Order 1964**

Made - - - - 25th June 1964
Coming into Operation 24th July 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Baking Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Baking) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 24th July 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Baking) (England and Wales) Order 1963(c), shall cease to have effect.

Signed by order of the Minister of Labour 25th June 1964.

W. S. I. Whitelaw,
Parliamentary Secretary,
Ministry of Labour.

ARRANGEMENT OF SCHEDULE

Part	Paragraphs
I. General	1
II. Male and female workers: general minimum time rates and rates for workers on special classes of work	2-6
III. Overtime, work on a customary holiday and waiting time ...	7-9
IV. Guaranteed weekly remuneration	10
V. Classes of workers, Areas and other definitions	11-13
VI. Workers to whom the Schedule applies	14

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Baking) (England and Wales) Order 1963(a) (Order BK (69)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

- 1.—(1) Subject to the provisions of Part IV of this Schedule relating to guaranteed weekly remuneration, the minimum remuneration payable to a worker to whom this Schedule applies is as follows:—
- (a) for all work except work on a customary holiday and work to which a minimum overtime rate applies under Part III of this Schedule—
 - (i) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II of this Schedule;
 - (ii) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker:

Provided that, where the remuneration of a worker calculated on a time-work basis at the hourly general minimum time rate which would be payable to him under Part II of this Schedule if he were a time worker exceeds the remuneration calculated under sub-paragraph (a)(ii) of this paragraph on the basis of the said piece rates, the worker shall be paid not less than that hourly general minimum time rate;
 - (b) for any work to which a minimum overtime rate applies under Part III of this Schedule, that minimum overtime rate;
 - (c) for any work on a customary holiday the remuneration specified in Part III of this Schedule.
- (2) In this Schedule the expression “hourly general minimum time rate” means the general minimum time rate applicable to the worker under Part II of this Schedule divided by 42.

(a) S.I. 1963/1413 (1963 II, p. 2415).

PART II**GENERAL MINIMUM TIME RATES
MALE WORKERS (NOT BEING NIGHT WORKERS) AND FEMALE
WORKERS (NOT BEING WORKERS SPECIFIED IN PARAGRAPH 3)**

2. Subject to the provisions of this Part of this Schedule, the general minimum time rates set out in the next following Table apply to male workers (not being night workers) and to female workers (not being workers specified in paragraph 3):

Provided that the general minimum time rate applicable to a male or female certificated worker aged under 21 years who performs the work of any one of the descriptions of workers appearing in the next following Table shall be that of an adult worker of that description in the same area who is aged 21 and under 23 years.

DESCRIPTION OF WORKERS	Column 1		Column 2		Column 3	
	The respective areas are defined in paragraph 12					
	All workers in LONDON AREA		All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B		All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch	
	Per week of 42 hours s. d.	Per hour s. d.	Per week of 42 hours s. d.	Per hour s. d.	Per week of 42 hours s. d.	Per hour s. d.
(1) MALE WORKERS (not being night workers)						
(a) FOREMAN CONFECTIONER	215 3	5 1½	213 6	5 1	210 0	5 0
(b) FOREMAN BAKER	215 3	5 1½	213 6	5 1	210 0	5 0
(c) FIRST HAND	203 0	4 10	201 3	4 9½	197 9	4 8½
(d) SINGLE HAND	201 3	4 9½	199 6	4 9	196 0	4 8
(e) SECOND HAND	197 9	4 8½	196 0	4 8	192 6	4 7
(f) DOUGHMAKER	197 9	4 8½	196 0	4 8	192 6	4 7
(g) CONFECTIONERY MIXER	197 9	4 8½	196 0	4 8	192 6	4 7
(h) OVENMAN	197 9	4 8½	196 0	4 8	192 6	4 7
(i) CONFECTIONER or TABLE HAND, aged 21 years or over, other than a worker to whom (1) (j) applies	190 9	4 6½	189 0	4 6	185 6	4 5

(1) MALE WORKERS (not being night workers)

(a) FOREMAN CONFECTIONER

(b) FOREMAN BAKER

(c) FIRST HAND

(d) SINGLE HAND

(e) SECOND HAND

(f) DOUGHMAKER

(g) CONFECTIONERY MIXER

(h) OVENMAN

(i) CONFECTIONER or TABLE HAND, aged 21 years or over, other than a worker to whom (1) (j) applies

DESCRIPTION OF WORKERS

Column 1

Column 2

Column 3

The respective areas are defined in paragraph 12

DESCRIPTION OF WORKERS	All workers in LONDON AREA		All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B		All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch	
	Per week of 42 hours s. d.	Per hour s. d.	Per week of 42 hours s. d.	Per hour s. d.	Per week of 42 hours s. d.	Per hour s. d.
(j) CONFECTIONER or TABLE HAND, aged 21 and under 23 years who is employed, wholly or mainly, in making bread and flour confectionery, or either of them, without the use of power machinery other than one dough-kneader or one cake mixer, or both, and has completed less than five years' employment in the trade	182 0	4 4	180 3	4 3½	176 9	4 2½
(k) STOKER	187 3	4 5½	183 9	4 4½	180 3	4 3½
(l) CHARGE HAND (packing and despatch department)	1½d. per hour in addition to the rate appropriate to his age as specified in Column 1, 2 or 3 of (l) (m).					
(m) OTHER MALE WORKERS, being aged—						
21 years or over	183 9	4 4½	182 0	4 4	178 6	4 3
20½ and under 21 years	166 3	3 11½	164 6	3 11	161 0	3 10
20 " " 20½	154 0	3 8	150 6	3 7	147 0	3 6
19½ " " 20	147 0	3 6	145 3	3 5½	140 0	3 4
19 " " 19½	140 0	3 4	138 3	3 3½	134 9	3 2½
18½ " " 19	131 3	3 1½	129 6	3 1	126 0	3 0
18 " " 18½	124 3	2 11½	122 6	2 11	119 0	2 10
17½ " " 18	106 9	2 6½	105 0	2 6	101 6	2 5
17 " " 17½	98 0	2 4	96 3	2 3½	92 9	2 2½
16½ " " 17	94 6	2 3	92 9	2 2½	89 3	2 1½
16 " " 16½	92 9	2 2½	91 0	2 2	85 9	2 0½
Under 16 years	85 9	2 0½	84 0	2 0	80 6	1 11
(n) Workers employed as JOBBERS	2d. per hour in addition to the rate otherwise payable under (l) (a) to (m).					
(2) FEMALE WORKERS (not being workers specified in paragraph 3)						
(a) FOREWOMAN	164 6	3 11	162 9	3 10½	157 6	3 9
(b) CHARGE HAND other than a charge hand (packing and despatch department)	154 0	3 8	152 3	3 7½	148 9	3 6½

		Column 1	Column 2	Column 3
The respective areas are defined in paragraph 12				
		All workers in LONDON AREA	All workers in PROVINCIAL AREA A and workers in wholesale cake and flour confectionery branch in PROVINCIAL AREA B	All workers in PROVINCIAL AREA B except those in wholesale cake and flour confectionery branch
		Per week of 42 hours s. d.	Per week of 42 hours s. d.	Per week of 42 hours s. d.
		Per hour s. d.	Per hour s. d.	Per hour s. d.
		1½d. per hour in addition to the rate appropriate to her age as specified in Column 1, 2 or 3 of (2) (f).		
(c)	CHARGE HAND (packing and despatch department)	148 9	147 0	141 9
(d)	SINGLE HAND	3 6½	3 6	3 4½
(e)	CONFECTIONER, being aged—			
	21 years or over	145 3	143 6	138 3
	20½ and under 21 years	133 0	131 3	126 0
	20	124 3	120 9	117 3
	19½	120 3	119 0	113 9
	19	117 3	115 6	110 3
(f)	OTHER FEMALE WORKERS, being aged—			
	21 years or over	136 6	134 9	131 3
	20½ and under 21 years	126 0	124 3	120 9
	20	120 9	119 0	115 6
	19½	117 3	115 6	112 0
	19	113 9	112 0	108 6
	18½	112 0	110 3	105 0
	18	110 3	108 6	105 0
	17½	98 0	96 3	92 9
	17	92 9	91 0	85 9
	16½	91 0	89 3	84 0
	16	89 3	85 9	82 3
	Under 16 years	84 0	82 3	78 9
(g)	Workers employed as JOBBERS	1½d. per hour in addition to the rate otherwise payable under (2) (e) to (f).		

FEMALE WORKERS EMPLOYED AS SUBSTITUTES FOR MALE WORKERS IN MAKING BREAD

3.—(1) The general minimum time rate applicable to a female worker who is employed—

- (a) as a war time substitute for a male worker, or
- (b) on a class of work which before the war was normally undertaken by men

and who is engaged, wholly or mainly, in one or more of the operations of the making of bread (including the operations mentioned as part of "making" in the definition of the baking trade set out in paragraph 14), is

- (i) in the case of a female worker who performs in full the duties of the male worker whom she replaces (or the full duties which before the war were performed by a male worker), the general minimum time rate which would be applicable to a male worker of her age employed on the work ; or
- (ii) in the case of a female worker who does not perform in full the duties of the male worker whom she replaces (or the full duties which before the war were performed by a male worker), three quarters of the general minimum time rate which would be applicable to a male worker of her age employed on the work.

(2) For the purposes of this paragraph the expression "before the war" means "during the six months immediately preceding 3rd September 1939".

MALE LATE ENTRANTS

4. Notwithstanding the provisions of paragraph 2, where a male worker specified in (1) (l) or (1) (m) of the Table in the said paragraph (including such a worker when employed as a jobber but not as a night worker), enters or has entered the trade for the first time between the ages of 17 and 20 years, the general minimum time rate applicable to him until he completes 12 months' employment in the trade or until he reaches the age of 20 years, whichever period is the less, shall be that applicable to a male worker one year his junior employed on the same work.

NIGHT WORKERS

5.—(1) For the purposes of this Schedule:—

- (a) a night worker is a worker who is employed for not less than a total of three hours between the hours of 6 p.m. on one day and 6 a.m. on the next following day and the night worker's rate shall apply to such a worker in respect of that spell of duty or those spells of duty which include some period or periods between the said hours ;
- (b) "night worker's rate" means the general minimum time rate applicable to a night worker ;
- (c) "corresponding day rate" means as respects any night worker the general minimum time rate which would be payable to that worker under the provisions of paragraph 2 in respect of the same work in the same area.

(2) Subject to the provisions of this sub-paragraph, the night worker's rate is the corresponding day rate increased by 15 per cent.:

Provided that—

- (a) in the case of a male night worker aged 18 and under 21 years, other than a certificated worker, the night worker's rate shall be the corresponding day rate increased by 2s. 6d. per week of 42 hours, such increased rate being further increased by 15 per cent. ;
- (b) in the case of a night worker whose corresponding day rate is that specified in (1) (j) of the Table in paragraph 2, the night worker's rate shall be the rate under (1) (i) of the said Table for a day worker in the same area increased by 15 per cent.

WORKER IN DIFFERENT AREAS

6. In the case of a worker whose duties take him into more than one area, the appropriate rate shall be that applicable to workers in the area where the bakehouse is situated.

PART III

OVERTIME, WORK ON A CUSTOMARY HOLIDAY AND WAITING TIME

MINIMUM OVERTIME RATES

- 7.—(1) Subject to the provisions of this paragraph, overtime is payable at the following minimum rates:—

(a) on any day other than a Sunday or customary holiday—

- | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|--------------------|
| (i) for the first 2 hours worked in excess of | | | | | | | |
| 10 hours | ... | ... | ... | ... | ... | ... | time-and-a-quarter |
| (ii) thereafter | ... | ... | ... | ... | ... | ... | time-and-a-half |

(b) on a Sunday—

for all time worked between midnight of the preceding day and midnight of the Sunday ... double time

Provided that where in accordance with his usual practice a worker (other than a night worker) works for one hour or less on Sunday afternoon or evening on a preliminary doughing operation he shall be paid the appropriate general minimum time rate.

(c) in any week (exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph and any time worked on a customary holiday)—

- | | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|--------------------|
| (i) in the case of a worker who works for less than 22 hours in the bakehouse and for the remainder of his time on delivery— | | | | | | | |
| for all time worked in excess of 50 hours | | | | | | | time-and-a-quarter |
| (ii) in the case of any other worker— | | | | | | | |
| for the first 4 hours worked in excess of | | | | | | | |
| 42 hours | ... | ... | ... | ... | ... | ... | time-and-a-quarter |
| thereafter | ... | ... | ... | ... | ... | ... | time-and-a-half |

- (2) Notwithstanding the provisions of (a)(i) and (c)(ii) of sub-paragraph (1) of this paragraph, overtime at the rate of time-and-a-quarter shall not be paid for more than an aggregate of four hours worked in any week and any overtime so worked in excess of four hours in the aggregate shall be paid for at the overtime rate of time-and-a-half.

- (3) In calculating the time worked in any week for the purposes of this Part of this Schedule a worker who has been allowed, and has taken, a customary holiday or a holiday in lieu of a customary holiday in that week under a wages regulation (holidays) order shall be treated as having worked 7 hours on any such customary holiday or holiday in lieu of a customary holiday.

WORK ON A CUSTOMARY HOLIDAY

8. The remuneration payable to a worker for work on a customary holiday shall be not less than the amount calculated as follows:—

Circumstances	Calculation of Remuneration
(1) where, under the provisions of a wages regulation (holidays) order, the worker is entitled to and is to be allowed a holiday in lieu of a customary holiday on a day other than a Sunday	time-and-a-half for all time worked ;
(2) where, under the provisions of a wages regulation (holidays) order, it is mutually agreed between the employer and the worker that a holiday in lieu of a customary holiday shall not be allowed to the worker	time-and-a-half for all time worked on the customary holiday to which such agreement relates and, in addition, an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of a wages regulation (holidays) order had he been allowed a holiday on that day ;
(3) where a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight has been allowed a holiday for the period of 24 hours commencing at noon on the day prior to a customary holiday	double time for all time worked up to midnight of the spell of duty commencing on the customary holiday ;
(4) in any other circumstances	double time for all time worked :

Provided that in the case of a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight the provisions of (1), (2) and (4) of this paragraph shall be applicable to time worked during the period of 24 hours commencing at noon on the day prior to the customary holiday.

WAITING TIME

9.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances:—

- (a) without the employer's consent, express or implied ;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
 - (c) by reason only of the fact that he is resident thereon ;
 - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable to him if he were a time worker.

PART IV

GUARANTEED WEEKLY REMUNERATION

10.—(1) Notwithstanding the foregoing provisions of this Schedule, where in any week the total amount of the minimum remuneration payable to any worker—

(a) under those provisions ; and

(b) by way of holiday remuneration under any wages regulation (holidays) order ;

would be less than the guaranteed weekly remuneration provided for by this paragraph, the minimum remuneration payable to that worker for that week shall, in lieu of the minimum remuneration which would otherwise be payable under those provisions and that order, be the guaranteed weekly remuneration provided for by this paragraph.

(2) Subject to the provisions of this paragraph, a worker (other than a jobber) who ordinarily works for the employer for at least 36 hours weekly on work to which this Schedule applies shall be entitled to be paid in respect of any week not less than the guaranteed weekly remuneration for 42 hours :

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than 42 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, the guaranteed weekly remuneration shall be for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(3) Guaranteed weekly remuneration shall be calculated at the minimum rate or rates ordinarily applicable to the worker in respect of time ordinarily worked by him (excluding overtime, except on Sunday) on work to which this Schedule applies in the following manner, that is to say—

(a) at double time in respect of Sunday work in excess of 4 hours ; and

(b) at the night worker's rate in respect of work to which that rate is ordinarily applicable ; and

(c) as to any other time, at the hourly general minimum time rate ordinarily applicable to the worker :

Provided that where the ordinary working week of a night worker or of a worker (including a night worker) who ordinarily works overtime on Sunday is less than 42 hours and the worker is not a worker to whom the proviso to sub-paragraph (2) of this paragraph applies, the guaranteed weekly remuneration in respect of a week shall be whichever of the two following amounts is the greater, that is to say—

(i) the amount due in respect of the worker's ordinary weekly working hours calculated in accordance with the foregoing provisions of this sub-paragraph ; or

(ii) an amount equal to 42 hours' pay calculated at the minimum rate or rates applicable to a worker of the corresponding class and area who is solely employed on day work other than overtime.

(4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week, excluding any day allowed to him as a holiday, is—

(a) capable of and available for work, and

(b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.

(5) If the employer is unable to provide the worker with work during the worker's normal working hours by reason of a strike, failure of supplies, or any cause beyond the employer's control and gives the worker four clear days' notice that work will not be available, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or part of which the employer continues to be unable to provide work as aforesaid:

Provided that the guaranteed weekly remuneration payable to a worker in respect of the week in which the said notice expires shall be such proportion of the guaranteed weekly remuneration payable to the worker under the foregoing provisions of this paragraph as the number of the worker's normal working hours on work to which this Schedule applies, falling in that week up to the expiry of the notice, bears to the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

(6) The guaranteed weekly remuneration applicable to a piece worker shall be the sum to which he would be entitled if he were a time worker.

(7) In this paragraph the expression "week" means "pay week".

PART V

INTERPRETATION

CLASSES OF WORKERS

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

(a) in the case of a male worker:

A **FOREMAN** is an adult worker with four or more workers under him.

A **FIRST HAND** is an adult worker in charge of a department, working under the instruction of a foreman, or in charge of a bakery where less than five workers including himself are employed.

A **SECOND HAND** is an adult worker who takes charge in the absence of the foreman or first hand, where four or more workers are employed.

A **DOUGHMAKER** is an adult worker wholly or mainly engaged in doughmaking in the making of bread.

A **CONFECTIONERY MIXER** is an adult worker wholly or mainly engaged in the mixing of dough for flour confectionery and in the mixing of flour confectionery or either of those operations.

An **OVENMAN** is an adult worker responsible for, and wholly or mainly engaged in, the baking of bread and flour confectionery, or either of them, including the regulating of an oven.

A **TABLE HAND** is a worker wholly or mainly engaged in one or more of the operations of moulding, scaling and handling of dough, or in feeding an oven or ovens with full or empty tins or in clearing an oven or ovens.

A **STOKER** is an adult worker wholly or mainly engaged in the firing and regulating of ovens.

(b) in the case of a female worker:

A **FOREWOMAN** is an adult worker with four or more workers under her.

A **CHARGE HAND**, other than a charge hand (packing and despatch department), is an adult worker in charge of a department, working under the instruction of a foreman or forewoman, or in charge of a bakery where less than five workers including herself are employed.

(c) in the case of a male or female worker:

A **SINGLE HAND** is an adult worker in charge of production with no other adult worker or certificated worker.

A **CHARGE HAND** (packing and despatch department) is a worker who is wholly or mainly employed in, and is in charge of, a packing or despatch department, having not less than two workers (excluding vanmen) under him and working under the instruction of a foreman or manager.

A **CONFECTIONER** is a worker wholly or mainly engaged in the manufacture, including mixing, moulding, scaling and handling, of unbaked flour confectionery, cake mixings or paste, or in decorating, or finishing, flour confectionery.

A **JOBBER** is a member of the class of worker, known in the trade as jobbers, who undertake short engagements on a day to day basis.

A **CERTIFICATED WORKER** is a worker who has received from the National Joint Apprenticeship Council for the Baking Industry (England and Wales) a certificate of completion of satisfactory apprenticeship.

(d) in the case of a male or female worker, **ADULT WORKER** means a worker aged 21 years or over.

- (2) For the purpose of the definition of first hand, single hand (male or female), second hand or charge hand, including a charge hand (packing and despatch department), account shall be taken in the calculation of the numbers of workers employed only of workers who are working during the hours of work of the worker in question, provided that the temporary absence of a worker shall not be regarded as reducing the number of workers employed at any time.
- (3) The wholesale cake and flour confectionery branch of the Baking Trade is that branch of the trade in which the production of cake and other flour confectionery is carried on in an undertaking supplying six or more retail establishments and employing ten or more workers on such work.

AREAS

12. In this Schedule—

- (1) "London Area" comprises the City of London and the Metropolitan Police District.
- (2) In England (other than the London Area and Monmouthshire)
 - (a) "Provincial A Area" comprises all areas other than those in "Provincial B Area";
 - (b) "Provincial B Area" comprises all areas which on 1st January 1939 were administered by Rural District Councils.
- (3) In Wales and Monmouthshire
 - (a) "Provincial A Area" comprises
 - (i) The county boroughs of Cardiff, Merthyr, Newport and Swansea.
 - (ii) The municipal boroughs of Abergavenny, Aberystwyth, Bangor, Barry, Carmarthen, Colwyn Bay, Flint, Haverfordwest, Llanelly, Neath, Pembroke, Port Talbot and Wrexham.

(iii) The urban districts of Abercarn, Aberdare, Abertillery, Bedwas and Machen, Bedwellty, Blaenavon, Bridgend, Brynmawr, Caerphilly, Connah's Quay, Cwmbran, Ebbw Vale, Gelligaer, Glyncothrog, Holyhead, Llandudno, Llŵchwr, Maesteg, Milford Haven, Mountain Ash, Mynyddislwyn, Nantyglo and Blaina, Ogmore and Garw, Penarth, Pontypool, Pontypridd, Porthcawl, Rhondda, Rhyl, Rhymney, Risca and Tredegar.

(iv) The rural districts of Cardiff, Cowbridge, Gower, Hawarden, Llantrisant and Llantwit-Fardre, Neath, Penybont, Pontardawe, Pontypool and Wrexham.

(b) "Provincial B Area" comprises all other areas.

OTHER DEFINITIONS

13. In this Schedule—

(1) "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker ;

(b) in the case of a worker employed on piece work, a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be payable to the worker if he were a time worker and neither a minimum overtime rate nor a rate for work on a customary holiday applied and, in addition thereto, the minimum remuneration otherwise payable to the worker under paragraph 1(1)(a)(ii) ;

(2) "customary holiday" means—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, the first Monday in August and any day proclaimed as an additional Bank Holiday or as a public holiday, or, in the case of each of the said days, such week day (other than a weekly short day) as may be substituted therefor, being a day on which the worker normally works and which is by local custom recognised as a day of holiday ;

(3) "spell of duty" means a period of work broken only by intervals for meals ;

(4) "wages regulation (holidays) order" means a wages regulation order made by the Minister to give effect to proposals relating to holidays and holiday remuneration submitted to him by the Baking Wages Council (England and Wales).

PART VI

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

14. This Schedule applies to workers in relation to whom the Baking Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the Baking Trade as defined in the Schedule to the Baking Wages Council, England and Wales (Constitution) Order 1947(a), which Schedule reads as follows:—

"1. Subject to the provisions of this Schedule the Baking Trade consists of the following operations:—

(1) the making of bread, pastry, and flour confectionery and work incidental thereto ;

- (2) the making of other articles of food and work incidental thereto in an undertaking, or branch or department thereof, mainly engaged on one or more of the operations specified in paragraph 1 (1);
- (3) the sale and distribution of any of the articles of food referred to in the preceding sub-paragraphs by a worker who in the same week is also engaged in any of the work specified in those sub-paragraphs.
2. Notwithstanding anything in this Schedule the following operations are not operations in the Baking Trade:—
- (1) the making of biscuits in an undertaking, or a branch or department of an undertaking, mainly engaged in the making of biscuits, and the making of any other article of food therein by workers mainly engaged in the making of biscuits;
- (2) the making of any of the articles of food referred to in paragraph 1 hereof:—
- (a) in an hotel, boarding house, restaurant, café or similar establishment:—
- (i) for consumption on the premises; or
- (ii) for consumption off the premises at meals served by persons ordinarily employed on the premises;
- (b) by a railway undertaking for consumption on its trains, restaurant cars, ships or premises;
- (3) the making of:—
- (a) meat pies, sausage rolls or similar articles of pastry (including bread for use therein); or
- (b) bread for use in sausages or similar articles of food in an undertaking where no bread, pastry or flour confectionery is made other than that specified in this sub-paragraph;
- (4) operations included in:—
- (a) the Trade Boards (Milk Distributive) Order 1928(a);
- (b) the Trade Boards (Sugar Confectionery and Food Preserving) Order 1913(b);
- (c) the Trade Boards (Grocery and Provisions) Order 1920(c); or any amendments or variations of the aforesaid Orders.
3. For the purpose of this Schedule "pastry" and "articles of pastry" include articles of food made wholly or partly of pastry; "meat" includes game, poultry, egg or fish; "flour confectionery" includes cakes, oatcakes, shortbread and biscuits; "biscuits" do not include oatcakes or shortbread; and "making" includes the packing, wrapping and other handling of the articles of food when made before their first despatch for sale or distribution."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 24th July 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Baking) (England and Wales) Order 1963 (Order BK(69)) which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1928/475 (1928, p. 1262).

(b) Scheduled to, and confirmed by, 3 & 4 Geo. 5. c. clxii.

(c) S.R. & O. 1920/958 (1920 II, p. 774).

1964 No. 973 (S. 65)

POLICE

The Police (Scotland) Amendment (No. 3) Regulations 1964

<i>Made - - - -</i>	29th June 1964
<i>Laid before Parliament</i>	30th June 1964
<i>Coming into Operation</i>	1st July 1964

In exercise of the powers conferred on me by section 11 of the Police (Scotland) Act 1956^(a) and of all other powers enabling me in that behalf, and no representations having been made to me in pursuance of section 11(6) of the said Act, I hereby make the following regulations:—

1. These regulations may be cited as the Police (Scotland) Amendment (No. 3) Regulations 1964 and shall come into operation on 1st July 1964.

2. The Police (Scotland) Regulations 1956^(b) (hereinafter referred to as the principal regulations), as amended^(c), shall be amended as follows:—

- (1) In the proviso to Regulation 49A(2) of the principal regulations (which relates to promotion examination allowance) for the words “the advanced qualifying examination” there shall be substituted “an advanced qualifying examination held between 1st January 1961 and 30th June 1964”.
- (2) In paragraph 4(1) of Schedule 1 to the principal regulations (which relates to regulations for the conduct of qualifying examinations) for the words “31st December 1958” there shall be substituted the words “30th June 1964”.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

29th June 1964.

(a) 4 & 5 Eliz. 2. c. 26. (b) S.I. 1956/1999 (1956 II, p. 1766).
(c) The relevant amending instrument is S.I. 1961/1902 (1961 III, p. 3575).

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the Police (Scotland) Regulations 1956.

Regulation 2(1) provides that a member of a police force who, in the rank of constable, on or after 1st July 1964, takes an examination and in consequence obtains a pass in the advanced qualifying examination shall receive payment of the sergeant's promotion examination allowance at the time of his success and not on promotion to a rank above constable. Regulation 2(2) provides that the Police (Scotland) Examinations Board shall be reconstituted from 1st July 1964.

 STATUTORY INSTRUMENTS

1964 No. 974

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment No. 2) Order 1964

Made - - - - 26th June 1964
Coming into Operation 14th July 1964

The Board of Trade, in exercise of the powers conferred upon them by section 1 of the Import, Export and Customs Powers (Defence) Act 1939(a), hereby order as follows :—

1. The Export of Goods (Control) Order 1963(b), as amended (c), shall have effect as if armour plate of iron, steel or alloys of iron or steel, being iron, steel and alloys containing 50 per cent. or more of iron, and plant for the production of military explosives and solid propellants, and parts specially designed therefor, including nitrators, continuous types, which are included in Groups 5 (under the entry relating to iron and steel) and 6 (under the entry relating to chemical plant and equipment) respectively of the First Schedule to the said Order, were therein indicated by the letter A.

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Export of Goods (Control) (Amendment No. 2) Order 1964 and shall come into operation on 14th July 1964.

H. Bailey,

An Under Secretary of the
Board of Trade.

26th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the Export of Goods (Control) Order 1963 by extending the control on the export of armour plate and plant for the production of military explosives and solid propellants to exports to the Commonwealth, the Republic of Ireland, the Republic of South Africa and the United States of America.

(a) 2 & 3 Geo. 6. c. 69. (b) S.I. 1963/3 (1963 I, p. 9). (c) The amendments are not relevant to this Order. (d) 52 & 53 Vict. c. 63.

1964 No. 975**WATER RESOURCES, ENGLAND AND WALES****The Water Resources Board (Appointed Day) Order 1964***Made - - - - 29th June 1964*

The Minister of Housing and Local Government, in exercise of his powers under section 12(1) of the Water Resources Act 1963^(a), hereby makes the following order :—

1. The Water Resources Board shall come into existence on 1st July 1964.
2. This order may be cited as the Water Resources Board (Appointed Day) Order 1964.

Given under the official seal of the Minister of Housing and Local Government on 29th June 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

^(a) 1963 c. 38.

1964 No. 983

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authority Bonds Regulations 1964

<i>Made</i> - - - -	30th June 1964
<i>Laid before Parliament</i>	7th July 1964
<i>Coming into Operation</i>	8th July 1964

The Minister of Housing and Local Government, with the approval of the Treasury, in exercise of his powers under paragraph 5 of Schedule 1 to the Local Government (Financial Provisions) Act 1963^(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Authority Bonds Regulations 1964 and shall come into operation on 8th July 1964.

Interpretation

2.—(1) The Interpretation Act 1889^(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

“the Act of 1933” means the Local Government Act 1933^(c);

“the Act of 1963” means the Local Government (Financial Provisions) Act 1963;

“bond” means a local authority bond issued in accordance with the provisions of the Act of 1963;

“bond certificate” has the meaning assigned to it in regulation 3;

“bond-holder” means a person entitled to a bond;

“bond register” has the meaning assigned to it in regulation 6;

“bond transfer” has the meaning assigned to it in regulation 8;

“registrar”, in relation to a bond, means the local authority or other person who keeps the register relating to that bond under regulation 6.

Issue of bonds and bond certificates

3. A local authority which issues a bond shall, as soon as may be thereafter, deliver, or cause to be delivered, to the person in whose favour the bond is issued a certificate (hereinafter referred to as a “bond certificate”) in respect of that bond which shall include the following particulars—

(a) the name of the local authority;

(b) the name and address of the registrar, if not the local authority;

(c) the name of the bond-holder;

(d) the denomination of the bond;

(a) 1963 c. 46.

(b) 52 & 53 Vict. c. 63.

(c) 23 & 24 Geo. 5. c. 51.

- (e) the date and place of redemption ;
- (f) the rate of interest ;
- (g) the dates on which interest will be paid ;
- (h) the date of issue of the bond ;
- (i) an acknowledgment of the debt created by the issue of the bond ;
- (j) a statement that that debt is charged on all the revenues of the local authority ; and
- (k) the serial number of the bond certificate :

Provided that, unless a bond-holder otherwise requests, a bond certificate issued under this regulation may be sent to him by post.

Sinking fund

4.—(1) Subject to section 8 of the Act of 1963 and, in the case of a local authority operating a Consolidated Loans Fund, to the provisions under which the authority are operating that Fund a local authority shall redeem bonds issued by them by means of a sinking fund and shall make the first payment to the sinking fund within twelve months from the first issue of a bond.

(2) Sections 213 and 214 of the Act of 1933 (which relate to sinking funds established for the repayment of mortgages) shall, with any necessary modifications, apply to such a sinking fund as they apply to a sinking fund established for the repayment of money borrowed under that Act by way of mortgage.

Redemption of bonds

5. Subject to paragraph 2 of Schedule 1 to the Act of 1963, bonds shall be redeemed by payment of an amount equal to the denomination thereof at the place and on the date specified in the bond certificates delivered in respect of them :

Provided that a bond may be redeemed at any time after the expiration of one year from the date of its issue by, or in pursuance of, agreement between the local authority which issued it and the bond-holder, and may be so redeemed in part, so however, that the amount left outstanding shall be five pounds, or a multiple of five pounds.

Bond register

6.—(1) A local authority which issues bonds shall either themselves keep, or appoint one of their officers or some other person or persons to keep, a register (hereinafter referred to as "a bond register") and different persons may keep registers for the purposes of different bonds.

(2) A bond register shall include the following particulars of bonds issued—

- (a) the denomination of the bonds and the serial numbers of the relative bond certificates ;
- (b) the dates of issue and redemption of such bonds ;
- (c) the rate and dates of payment of interest ;
- (d) the name and address of each bond-holder ;
- (e) the date of any entries made in pursuance of regulations 7(4), 8(5) and 10(1).

(3) The bond register shall be *prima facie* evidence of any matter entered therein in accordance with the provisions of these regulations.

Bond Certificates

7.—(1) A bond certificate shall be *prima facie* evidence of the title of the person named therein to the bond therein specified.

(2) If a bond certificate is worn out or damaged, the registrar, on the production thereof, and, if he so requires, on receiving an indemnity against any claim in respect thereof, may cancel it and issue a duplicate certificate in lieu of the certificate worn out or damaged.

(3) If a bond certificate is lost or destroyed, the registrar, on proof thereof to his satisfaction, and, if he so requires, on receiving an indemnity against any claim in respect thereof, may issue a duplicate certificate in lieu of the certificate lost or destroyed.

(4) An entry of a substituted bond certificate shall be made in the bond register.

Transfer of bonds

8.—(1) A bond may be transferred by means of an instrument under hand (hereinafter referred to as "a bond transfer") executed by the transferor only and specifying (in addition to the particulars of the bonds transferred and of the person by whom the transfer is made) the full name and address of the transferee.

(2) The execution of a bond transfer need not be attested.

(3) A bond may be transferred in whole or in part, so however that any part transferred shall be only for an amount of five pounds or a multiple of five pounds.

(4) A bond transfer, and the bond certificate to which it relates, shall be delivered to the registrar as soon as practicable after the bond transfer has been executed.

(5) On receipt of a bond transfer duly executed and stamped (unless the stamp duty has been paid by way of composition under section 115 of the Stamp Act 1891(a)) and of the bond certificate to which it relates, the registrar—

- (a) shall enter the transfer on the bond register;
- (b) shall amend the bond register in such manner as may be necessary;
- (c) shall issue such new bond certificate to the transferee, or bond certificates to the transferor and transferee, as may be necessary in consequence of the transfer; and
- (d) may retain the transfer:

Provided that, unless a request to the contrary is made, a bond certificate issued under this paragraph may be sent by post.

(6) Until the bond transfer and bond certificate have been delivered to the registrar as aforesaid, the local authority shall not be affected by the transfer, and the transferee shall not be entitled to receive any payment of interest on the bond.

(7) Before registering a bond transfer, the registrar may, if he thinks fit, require evidence, by statutory declaration or otherwise, of the title of any person purporting to make the transfer.

Closing of register

9. The registrar may close the bond register for a period not exceeding thirty days ending next before the date for payment of interest on the bonds; and,

notwithstanding the receipt by the registrar during that period of a bond transfer, the payment of interest next falling due shall be made to the persons registered as bond-holders on the date of the closing of the register.

Transmission of bonds

10.—(1) A person becoming entitled to a bond by any lawful means other than a bond transfer may, by the production of such evidence of title as the registrar may reasonably require, either be registered as holder of the bond, or, instead of being himself registered, make such transfer of the bond as the previous bond-holder could have made, and the registrar shall issue a bond certificate accordingly.

(2) Until such evidence as aforesaid has been produced to the registrar, the registrar shall not be affected by the transmission of the bond, and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

Application of provisions of Act of 1933

11. The following provisions of the Act of 1933 shall apply in relation to bonds issued in accordance with these regulations as they apply to a mortgage created by a local authority—

- section 208(2) and (3) (rectification of register) ;
- section 209 (notice of trusts) ;
- section 210 (receipts on behalf of joint holders and infants) ;
- section 211 (appointment of receiver).

Payment of interest

12.—(1) Unless a bond-holder otherwise requests in writing, a local authority may pay, or cause to be paid, interest on the bonds to which the bond-holder is entitled by sending a cheque or warrant to him by post at his address as shown in the bond register.

(2) For the purposes of this regulation the local authority may treat as the bond-holder that one of joint bond-holders who is first named in the bond register, or such other of them as the joint bond-holders may in writing direct.

(3) Before paying interest on any bond, a local authority may, if they think fit, require evidence, by statutory declaration or otherwise, of the title of any person claiming a right to receive the interest.

Given under the official seal of the Minister of Housing and Local Government on 30th June 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

We approve of this order.

M. A. Hamilton,
John Peel,

Two of the Lords Commissioners of Her Majesty's Treasury.
30th June 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision for the issue, transfer, dealing with and redemption of local authority bonds issued under section 7 of the Local Government (Financial Provisions) Act 1963.

1964 No. 986**NATIONAL HEALTH SERVICE, ENGLAND AND WALES****HOSPITAL AND SPECIALIST SERVICES****The National Health Service (Designation of London Teaching Hospitals) (No. 2) Order 1964**

Made - - - - - 29th June 1964
Coming into Operation 1st July 1964

The Minister of Health, in exercise of the powers conferred on him by sections 11 and 75 of the National Health Service Act 1946^(a) and of all other powers enabling him in that behalf, and after consultation with the University of London, hereby orders as follows:—

1. This order may be cited as the National Health Service (Designation of London Teaching Hospitals) (No. 2) Order 1964, and shall come into operation on 1st July 1964.

2.—(1) In this order—

“the Act” means the National Health Service Act 1946;

“the appointed day” means 1st July 1964;

“the Board of Governors” means the Board of Governors of St. Thomas’ Hospital;

“the Hospital Board” means the South-West Metropolitan Regional Hospital Board;

“the Management Committee” means the Lambeth Group Hospital Management Committee.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In column (2) of schedule 1 to the National Health Service (Designation of London Teaching Hospitals) Order 1957^(c) as amended^(d) (which schedule lists the designated London teaching hospitals), after the names of the hospitals listed against the name of St. Thomas’ Hospital in column (1) there shall be added the words “Lambeth Hospital, S.E.11.”.

4.—(1) All officers of the Hospital Board employed immediately before the appointed day solely at or for the purposes of Lambeth Hospital who do not receive before that day notice in writing from the Hospital Board that they are not to be transferred to the Board of Governors shall on that day be transferred to and become officers of the Board of Governors.

(2) All medical and dental officers of the Hospital Board employed immediately before the appointed day partly at Lambeth Hospital and

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/488 (1957 I, p. 1452).

(d) There is no amendment which relates to the subject matter of this order.

partly at any other hospital shall on that day become officers of the Board of Governors in relation to their work at Lambeth Hospital, and all rights and liabilities under their contract in relation thereto with the Hospital Board shall be transferred to the Board of Governors.

(3) Any other officer of the Hospital Board employed immediately before the appointed day partly at or for the purposes of Lambeth Hospital who does not receive before that day notice in writing from the Hospital Board that he is not to be transferred to the Board of Governors shall on that day be transferred to and become an officer of the Board of Governors.

(4) Any officer who is transferred to the Board of Governors under this article and whose employment was whole-time shall continue to be subject to the remuneration and other conditions of service applicable to a whole-time officer so long as his employment for both the Hospital Board and the Board of Governors amounts in the aggregate to whole-time employment.

5. On the appointed day there shall be transferred to and vest without further conveyance in the Board of Governors—

(a) any property held immediately before the appointed day by the Hospital Board or the Management Committee—

(i) under section 59 of the Act for the purposes of Lambeth Hospital and

(ii) under section 60 of the Act so far as practicable for the purposes of Lambeth Hospital ; and

(b) any other property held by the Hospital Board or the Management Committee and any rights and liabilities to which either of them were entitled or subject immediately before the appointed day so far as these relate to Lambeth Hospital.

6. On the appointed day capital assets equivalent to assets of the Hospital Endowments Fund with a market value of £21,854 on 5th July 1948 shall be transferred from the Fund to the Board of Governors, and the respective shares of the Hospital Board and the Management Committee in the net capital sum referred to in the National Health Service (Apportionment of Hospital Endowment Fund) Regulations 1949(a) shall each be reduced by the sum of £10,927.

7. Any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, the Hospital Board or the Management Committee solely in respect of any property, right or liability transferred by this order shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the Board of Governors.

Given under the official seal of the Minister of Health on 29th June 1964.

(L.S.)

T. E. H. Hodgson,
Under Secretary,
Ministry of Health.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the National Health Service (Designation of London Teaching Hospitals) Order 1957 by including Lambeth Hospital in the group of hospitals designated as St. Thomas' Hospital.

The Order provides for consequential matters relating to officers and property connected with that hospital.

 STATUTORY INSTRUMENTS

1964 No. 989

AGRICULTURE

The Price Stability of Imported Products (Levy Arrangements) (Amendment) Order 1964

<i>Made - - - -</i>	<i>30th June 1964</i>
<i>Laid before Parliament</i>	<i>6th July 1964</i>
<i>Coming into Operation</i>	<i>7th July 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (3), (4), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) (Amendment) Order 1964; and shall come into operation on 7th July 1964.

2. The Price Stability of Imported Products (Levy Arrangements) Order 1964(b) shall be amended by adding to the countries named in Schedule 2 thereto the following entries:—

“ Southern Rhodesia.
 Republic of South Africa.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th June 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 29th June 1964.

(L.S.)

Michael Noble,

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 29th June 1964.

*Henry Brooke,*Secretary of State for the
Home Department.

Approved.

30th June 1964.

*M. A. Hamilton,**John Peel,*Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order amends The Price Stability of Imported Products (Levy Arrangements) Order 1964 (S.I. 1964/809) by adding Southern Rhodesia and the Republic of South Africa to the list of co-operating countries. The original order provides for exemption from any general levy for imports from co-operating countries.

1964 No. 990

AGRICULTURE

The Price Stability of Imported Products (Minimum Import Price Levels) (Amendment) Order 1964

Made - - - - - 30th June 1964
Laid before Parliament 6th July 1964
Coming into Operation 7th July 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (4), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

1. This order may be cited as the Price Stability of Imported Products (Minimum Import Price Levels) (Amendment) Order 1964; and shall come into operation on 7th July 1964.

2. The Price Stability of Imported Products (Minimum Import Price Levels) Order 1964(b) shall be amended as follows:—

(a) by substituting in the Schedule thereto for the entries at A (tariff heading 11.01) relating to imports of wheat flours including wholemeal flour and the minimum import price levels therefor, the following entries:—

1. Tariff Heading	2. Description of Imports	3. Minimum Import Price Level (per ton)
11.01	A. Wheat flours including wholemeal flour:	£ s. d.
	1. denatured wheat flour	23 0 0
	2. other wheat flour:	
	(A) not containing any chalk and containing 1 per cent. or more by weight of natural ash and not more than 1 per cent. by weight of fibre, in each case at the prescribed standard moisture content ...	26 0 0
	(B) not containing any chalk and containing not less than 0.7 per cent. and not more than 0.9 per cent. by weight of natural ash at the prescribed standard moisture content	32 0 0
	(C) other:	
	(1) containing less than 10 per cent. by weight of protein at the prescribed standard moisture content	32 0 0
	(2) containing 10 per cent. or more, but not more than 12 per cent. by weight of protein at the prescribed standard moisture content	36 0 0
	(3) containing more than 12 per cent. by weight of protein at the prescribed standard moisture content	40 0 0

(b) by substituting in column 2 of the said Schedule for the words " 5 per cent. by weight of fibre " where they appear in the entries at B 1 and B 2 (tariff heading 11.02) relating to imports of wheat meal the words " 3 per cent. by weight of fibre ".

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 29th June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 29th June 1964.

Henry Brooke,
Secretary of State for the Home Department.

Approved.

30th June 1964.

M. A. Hamilton,
John Peel,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which amends The Price Stability of Imported Products (Minimum Import Price Levels) Order 1964 (S.I. 1964/687),—

- (a) prescribes two additional sub-divisions of wheat flour, with separate minimum import price levels, to cover the higher and lower quality " clear " grades of wheat flour ; and
- (b) changes from 5 per cent. to 3 per cent. the fibre standard which separates the higher from the lower quality wheat meal.

1964 No. 995 (S. 66)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1964

<i>Made</i> - - - - -	1st July 1964
<i>Laid before Parliament</i>	2nd July 1964
<i>Coming into Operation</i>	1st October 1964

In exercise of the powers conferred on me by section 65 of the National Health Service (Scotland) Act 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Act of 1947” means the National Health Service (Scotland) Act 1947;

“the Act of 1948” means the National Assistance Act 1948(b);

“employed” in relation to an officer means employed by—

(a) a Regional Hospital Board or a Board of Management exercising functions on behalf of a Regional Hospital Board; or

(b) a local health authority in their capacity as such authority; or

(c) an education authority; or

(d) a voluntary organisation for the purpose of providing services under Part III of the Act of 1947;

and “employment” shall be construed accordingly.

(2) For the purposes of these regulations a person is registered in respect of a profession if his name is on the register maintained under the Professions Supplementary to Medicine Act 1960(c) by the Board for that profession.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. On and after the date of coming into operation of these regulations no officer shall be employed in the capacity of chiropodist, dietitian, medical laboratory technician, occupational therapist, physiotherapist, radiographer or remedial gymnast unless—

(a) he is registered in respect of the profession appropriate to the work for which he is employed; or

(a) 10 & 11 Geo. 6. c. 27.
(c) 8 & 9 Eliz. 2. c. 66.

(b) 11 & 12 Geo. 6. c. 29.
(d) 52 & 53 Vict. c. 63.

(b) in the case of employment by a local health authority or by a voluntary organisation for the purpose of providing services under Part III of the Act of 1947 for such an authority, he was on 1st July 1964 employed in a like capacity—

(i) by that local authority for the purposes of Part III of the Act of 1948, or,

(ii) by that or any other voluntary organisation in carrying out arrangements with or on behalf of that local authority for the purposes either of Part III of the Act of 1947 or Part III of the Act of 1948.

4. Where by or under any enactment passed before or after the coming into operation of these regulations an officer is transferred to the service of another local authority or where in any area the functions under Part III of the Act of 1947 or Part III of the Act of 1948 have become exercisable by a different authority, for the purposes of these regulations the officer shall be deemed to have been transferred and the local authority shall be deemed to have been exercising those functions on 1st July 1964 and references to employment by a local authority or by a voluntary organisation in carrying out arrangements with or on behalf of a local authority on that date shall be construed accordingly.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st July 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prohibit the employment on and after 1st October 1964 for the purpose of providing services under the National Health Service (Scotland) Act 1947, of chiropodists, dietitians, medical laboratory technicians, occupational therapists, physiotherapists, radiographers or remedial gymnasts unless they are registered under the Professions Supplementary to Medicine Act 1960. In certain circumstances, which the regulations define, persons so employed on 1st July 1964 in connection with the provision of health or welfare services by or on behalf of local authorities are exempted from the requirement of registration.

 STATUTORY INSTRUMENTS

1964 No. 996 (S. 67)

NATIONAL ASSISTANCE

The National Assistance (Professions Supplementary to Medicine) (Scotland) Regulations 1964

<i>Made</i> - - - -	1st July 1964
<i>Laid before Parliament</i>	2nd July 1964
<i>Coming into Operation</i>	1st October 1964

In exercise of the powers conferred on me by section 35 of the National Assistance Act 1948(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Assistance (Professions Supplementary to Medicine) (Scotland) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“the Act” means the National Assistance Act 1948;

“the Act of 1947” means the National Health Service (Scotland) Act 1947(b).

(2) For the purposes of these regulations a person is registered in respect of a profession if his name is on the register maintained under the Professions Supplementary to Medicine Act 1960(c) by the Board for that profession.

(3) The Interpretation Act 1889(d) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. On and after the date of coming into operation of these regulations no officer shall be employed by a local authority for the purposes of Part III of the Act or by a voluntary organisation acting under arrangements with or on behalf of a local authority for those purposes in the capacity of chiropodist, dietitian, occupational therapist, physiotherapist or remedial gymnast unless—

(a) he is registered in respect of the profession appropriate to the work for which he is employed; or

(b) he was on 1st July 1964 employed in a like capacity—

(i) by that local authority for the purposes of Part III of the Act, or,

(ii) by that or any other voluntary organisation in carrying out arrangements with or on behalf of that local authority for the purposes either of Part III of the Act or Part III of the Act of 1947.

4. Where by or under any enactment passed before or after the coming into operation of these regulations an officer is transferred to the service of another local authority or where in any area the functions under Part III

(a) 11 & 12 Geo. 6. c. 29.
(c) 8 & 9 Eliz. 2. c. 66.

(b) 10 & 11 Geo. 6. c. 27.
(d) 52 & 53 Vict. c. 63.

of the Act or Part III of the Act of 1947 have become exercisable by a different authority, for the purposes of these regulations the officer shall be deemed to have been transferred and the local authority shall be deemed to have been exercising those functions on 1st July 1964 and references to employment by a local authority or by a voluntary organisation in carrying out arrangements with or on behalf of a local authority on that date shall be construed accordingly.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

1st July 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prohibit the employment on and after 1st October 1964 for the purpose of providing services under Part III of the National Assistance Act 1948, of chiropodists, dietitians, occupational therapists, physiotherapists or remedial gymnasts unless they are registered under the Professions Supplementary to Medicine Act 1960. In certain circumstances, which the regulations define, persons so employed on 1st July 1964 in connection with the provision of health or welfare services by or on behalf of local authorities are exempted from the requirement of registration.

1964 No. 997 (S. 68)

NATIONAL HEALTH SERVICE, SCOTLAND**The National Health Service (Speech Therapists) (Scotland) Regulations 1964**

<i>Made - - - -</i>	<i>1st July 1964</i>
<i>Laid before Parliament</i>	<i>2nd July 1964</i>
<i>Coming into Operation</i>	<i>1st October 1964</i>

In exercise of the powers conferred on me by section 65 of the National Health Service (Scotland) Act 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Speech Therapists) (Scotland) Regulations 1964, and shall come into operation on 1st October 1964.

2.—(1) In these regulations, unless the context otherwise requires, the expression:—

“employing authority” means (a) a Regional Hospital Board, or a Board of Management exercising functions on behalf of a Regional Hospital Board, (b) a local health authority in their capacity as such authority or (c) an education authority.

(2) The Interpretation Act 1889(b) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. On and after 1st October 1964 no officer shall be employed as a speech therapist by an employing authority unless he holds one of the following qualifications:—

(1) he was on 31st March 1954 employed as a speech therapist by an employing authority, or by a Regional Hospital Board, Board of Governors of a teaching hospital, or local health authority in England and Wales or by the Northern Ireland Hospitals Authority; or a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946(c) in Northern Ireland; or

(2) he had on or before 31st March 1954 passed the qualifying examination of the College of Speech Therapists after attending a full-time day course of training at a school recognised by the College; or

(3) he holds a certificate issued by the College of Speech Therapists—

(i) certifying that he has attended a course of training and passed an examination approved by the Secretary of State; or

(ii) certifying that the said College are satisfied that he has, in a country or territory outside the United Kingdom, attended a course of training and passed an examination recognised by the College and approved by the Secretary of State; or

(a) 10 & 11 Geo. 6. c. 27.

(b) 52 & 53 Vict. c. 63.

(c) 1946 c. 19 (N. I.).

(4) his name is included in a List kept by the Secretary of State of persons not qualified in accordance with the foregoing provisions of this regulation, who have satisfied him that their training and experience are adequate for employment as speech therapists ; or

(5) his name is included in any List of persons suitable for employment as speech therapists kept by the Minister of Health, or the Minister of Health and Local Government, Northern Ireland.

4. The National Health Service (Medical Auxiliaries) (Scotland) Regulations 1954(a) and the National Health Service (Medical Auxiliaries) (Scotland) Regulations 1962(b) are hereby revoked.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st July 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations revoke the National Health Service (Medical Auxiliaries) (Scotland) Regulations 1954 (as amended), which applied to certain classes of Medical Auxiliaries. The new regulations prescribe, in respect of Speech Therapists only, qualifications for employment in National Health Service hospitals or by local health authorities or education authorities, identical with those in the revoked regulations. The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1964 (S.I. 1964/995) now prescribe the qualifications of the other classes to which the revoked regulations applied.

(a) S.I. 1954/77 (1954 I, p. 1375).

(b) S.I. 1962/2194 (1962 III, p. 2987).

 STATUTORY INSTRUMENTS

1964 No. 998

PATENTS

DESIGNS

TRADE MARKS

The Patents Etc. (Niger) (Convention) Order 1964*Made* - - - - - 3rd July 1964*Coming into Operation* 5th July 1964

At the Court at Buckingham Palace, the 3rd day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 68 of the Patents Act 1949(a), section 13 of the Registered Designs Act 1949(b), and section 91A of the Patents and Designs Act 1907(c), as amended(d), by and with the advice of Her Privy Council, is pleased to declare, and it is hereby declared, as follows:—

1. The Republic of Niger is a Convention country for all the purposes of the said Acts.
2. The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
3. This Order may be cited as the Patents Etc. (Niger) (Convention) Order 1964 and shall come into operation on 5th July 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Government of the Republic of Niger has given notice of its accession in its own right to the International Convention for the Protection of Industrial Property (as revised in Lisbon in 1958). Niger was previously a Convention country as a French Colony.

This Order discharges the Convention obligations of the United Kingdom, which is a party to the Convention, by declaring the Republic to be a Convention country for all the purposes of the Acts relating to Patents, Designs and Trade Marks.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 12, 13 & 14 Geo. 6. c. 88. (c) 7 Edw. 7. c. 29.
 (d) The relevant amending Statutes are 1 & 2 Geo. 6. c. 29 and 12, 13 & 14 Geo 6. c. 62.
 (e) 52 & 53 Vict. c. 63.

1964 No. 999

AFRICA

**The Malawi (Compensation and Retiring Benefits)
(Amendment) Order 1964**

<i>Made - - - -</i>	<i>3rd July 1964</i>
<i>Laid before Parliament</i>	<i>3rd July 1964</i>
<i>Coming into Operation</i>	<i>Immediately before 6th July 1964</i>

At the Court at Buckingham Palace, the 3rd day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Malawi (Compensation and Retiring Benefits) (Amendment) Order 1964 and shall be construed as one with the Malawi (Compensation and Retiring Benefits) Order 1964(b) (hereinafter called "the principal Order").

(2) This Order shall come into operation immediately before 6th July 1964.

Amendment
of Order of
1964.

2. The principal Order is amended by the deletion of the words "section 11" in section 4(3) and in paragraphs 1(2)(c)(i), 4(4)(e), 13(2) and 16(1) of the Schedule and the substitution of the words "section 12".

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Malawi (Compensation and Retiring Benefits) Order 1964 by substituting references to section 12 of the Malawi Independence Order 1964 for references to section 11 of that Order.

 (a) 53 & 54 Vict. c. 37.

(b) S.I. 1964/917 (1964 II, p. 2019).

 STATUTORY INSTRUMENTS

1964 No. 1000

MARRIAGE

The Foreign Marriage (Armed Forces) Order 1964

<i>Made</i> - - - -	3rd July 1964
<i>Laid before Parliament</i>	9th July 1964
<i>Coming into Operation</i>	1st October 1964

At the Court at Buckingham Palace, the 3rd day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf conferred upon Her by sections 18(2) and (3), 21 and 22 of the Foreign Marriage Act 1892(a), as amended by sections 2, 3, 4(2) and 6 of the Foreign Marriage Act 1947(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The persons to whom (in addition to members of the naval, military or air forces of Her Majesty) section 22(1) of the Foreign Marriage Act 1892 (as re-enacted by the Foreign Marriage Act 1947) (in this Order hereafter referred to as "the said section 22(1)") shall apply shall be persons employed in any of the capacities specified in Article 2 of this Order in the territory where the marriage is solemnised; and the prescribed conditions for the purposes of the said subsection shall in all cases be those specified in Article 3 of this Order.

2. The capacities referred to in Article 1 of this Order are those of female persons employed:—

- (a) with the medical or dental branches of the Royal Navy as officers;
- (b) as members of the Women's Royal Naval Service;
- (c) as members of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof;
- (d) as a member of a Voluntary Aid Detachment under the Ministry of Defence.

3. The prescribed conditions referred to in Article 1 of this Order are:—

- (a) that before a marriage is solemnised under the said section 22(1), there shall be produced to the Chaplain or other person authorised pursuant to the said section 22(1) a certificate signed or purporting to be signed by or on behalf of the Commander in the territory in which that party to the marriage is serving or employed such certificate to state that the Commander has no objection to the marriage; Provided that if both parties to the marriage shall be persons to whom the said section 22(1) applies certificates in respect of both such persons shall be produced as hereinbefore provided;

(b) that the certificate referred to in paragraph (a) of this Article shall contain the full names, addresses, rank, (where appropriate), and marital status of the parties to the marriage and the capacity in which the person signing or purporting to be signing the same does so ;

(c) that the marriage shall be solemnised in the presence of not less than two witnesses in addition to the parties and the person solemnising the marriage.

4. For the purpose of this Order the expression " the Commander in the Territory " means :—

(a) where a party to the marriage is a member of the naval forces, or a person employed in any of the capacities specified in Article 2 of this Order, the officer commanding the naval forces of Her Majesty in the territory ;

(b) where a party to the marriage is a member of the military forces, the officer commanding the military forces of Her Majesty in the territory ;

(c) where a party to the marriage is a member of the air forces, the officer commanding the air forces of Her Majesty in the territory.

5. Where a marriage has been solemnised under section 22 of the Foreign Marriage Act 1892, whether before or after the date of this Order, the same shall be registered (if not registered at the date of this Order) in the manner provided for in the Service Departments Register Order 1959(a).

6. The provisions set forth in Schedule 1 to this Order, being laws in force in New Zealand and Australia respectively and which make provisions appearing to be similar to the provisions of section 22 of the Foreign Marriage Act 1892 as originally enacted or as re-enacted by section 2 of the Foreign Marriage Act 1947, shall have effect as part of the law of the United Kingdom in relation respectively to forces raised in these Dominions.

7. The Orders specified in column 1 of Schedule 2 to this Order are hereby revoked to the extent respectively specified in column 3 of that Schedule.

8.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order were an Act of Parliament.

(2) Section 38 of the Interpretation Act 1889 shall apply in relation to the Orders or provisions of Orders hereby revoked as if this Order was an Act of Parliament and those Orders and provisions of Orders were enactments repealed by an Act of Parliament.

9.—(1) This Order may be cited as the Foreign Marriage (Armed Forces) Order 1964.

(2) This Order shall come into force on 1st October 1964.

W. G. Agnew.

(a) S.I. 1959/406 (1959 II, p. 2303).

(b) 52 & 53 Vict. c. 63.

SCHEDULE 1

Article 6

NEW ZEALAND—Sub-section (1) of section 7 of the Marriage Amendment Act 1946 reads as follows:—

“Any Service marriage solemnised out of New Zealand by any member of the forces who is a chaplain or is duly authorised in that behalf shall be deemed to have been and to be valid as if it had been solemnised in New Zealand in accordance with the Principal Act^(a) by a person duly authorised in that behalf.”

AUSTRALIA—Section 14 of the Marriage (Overseas) Act 1955 reads as follows:—

“(1) Subject to this Act a marriage between parties of whom one at least is a member of the Defence Force may be solemnised in an overseas country by a chaplain.

(2) A marriage solemnised under this part being a marriage which if it had been solemnised in the Australian Capital Territory and the forms required by the law in force in that Territory had been duly observed would under the law of a State or Territory of the Commonwealth have been a valid marriage is, by force of this Act, valid in that State or Territory.

(3) The Governor General may by proclamation declare that a part of the Queen's Dominions which has been occupied by a state at war with the Commonwealth and in which facilities for marriage in accordance with the local law have not, in the opinion of the Governor General, been adequately restored shall be deemed to be an overseas country for the purposes of this section.”

SCHEDULE 2

Article 7

Column 1 Orders	Column 2 References	Column 3 Extent of revocation
The Foreign Marriages (Egypt, Iran and Iraq) Order in Council 1944	S.R. & O. 1944/1130 (Rev. XIII, p. 230: 1944 I, p. 455)	The whole Order
The Foreign Marriage Order in Council 1947	S.R. & O. 1947/2875 (Rev. XIII, p. 220: 1947 I, p. 1267)	Articles 2, 3 and 4 and Schedules 1, 2 and 3
The Foreign Marriage Order 1957	S.I. 1957/860 (1957 I, p. 1353)	The whole Order
The Foreign Marriage (Amendment) Order 1959	S.I. 1959/538 (1959 I, p. 1673)	The whole Order
The Foreign Marriages (Egypt, Iran and Iraq) Amendment Order 1959	S.I. 1959/297 (1959 I, p. 1675)	The whole Order

(a) The New Zealand Marriage Act 1908.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Foreign Marriage Act 1892, section 22(1), as amended by the Foreign Marriage Act 1947, provides that marriages celebrated before a chaplain in foreign territory shall be as valid as if celebrated in the United Kingdom as long as one of the parties is a member of the naval, military or air forces of Her Majesty. Orders in Council are required to (1) prescribe the persons to whom (in addition to members of the Armed Forces) the section shall apply (2) prescribe conditions which must be complied with (3) make provisions for registration of such marriages and (4) secure that any law in force in any Dominion appearing to Her Majesty to make provisions similar to section 22 of the Foreign Marriage Act 1892 shall have effect as part of the law of the United Kingdom.

This Order replaces the Foreign Marriage Orders 1947 and 1957 so far as they relate to the above matters.

 S T A T U T O R Y I N S T R U M E N T S

1964 No. 1001

JUDICIAL COMMITTEE

PROCEDURE

The Judicial Committee (Professions Supplementary to Medicine Rules) Order 1964

Made - - - - - 3rd July 1964

At the Court at Buckingham Palace, the 3rd day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 9(3) of the Professions Supplementary to Medicine Act 1960(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, as it is hereby ordered, as follows:—

1. This Order may be cited as the Judicial Committee (Professions Supplementary to Medicine Rules) Order 1964.

2. The Rules set out in the Schedule to this Order shall take effect for the purpose of appeals to Her Majesty in Council by virtue of the Professions Supplementary to Medicine Act 1960.

W. G. Agnew.

SCHEDULE

RULES

1. In these Rules, unless the context otherwise requires:—

“The Act” means the Professions Supplementary to Medicine Act 1960.

“The Board” means one of the Boards constituted in accordance with the provisions of the Act.

“The Committee” means a Disciplinary Committee constituted under Section 8 of the Act.

“The Registry” and “the Registrar” mean the Registry and the Registrar respectively of the Privy Council.

“Typewritten” includes reproduction by type, lithography, stencil, duplicating or photography.

2. A person desiring to appeal to Her Majesty in Council shall, within 28 days of the service of the notice mentioned in Section 9(2) of the Act, enter an Appearance in the Registry and at the same time lodge therein a Petition of Appeal and serve a copy thereof upon the Board.

3. The Petition of Appeal shall recite succinctly the principal steps in the proceedings leading up to the Appeal but shall not contain argumentative matter or travel into the merits of the case.

4. Upon receipt of a copy of the Petition of Appeal the Board shall with all convenient speed deliver to the Appellant a certified typewritten Record of the proceedings before the Committee and shall notify the Registrar of the date of such delivery and shall, if they desire to be heard as Respondents before the Judicial Committee, enter an Appearance forthwith in the Registry and give notice thereof to the Appellant.

5. Within 21 days of the receipt by the Appellant of the certified Record referred to in Rule 4 the Appellant shall lodge in the Registry the said certified Record together with eight copies thereof and shall also transmit three copies thereof to the Board.

6. Such copies and all copies of cases shall be typewritten or, if the Appellant or Board so desire, printed in the form known as Demy Quarto.

7. Within 28 days from the lodging in the Registry of the said certified Record as provided by Rule 5 there shall be lodged in the Registry eight copies of the Appellant's case in the Appeal signed by at least one of the Counsel who attends the hearing of the Appeal or by the Party himself if he conducts his Appeal in person.

8. Within 28 days of the transmission to the Board of the three copies of the said certified Record as provided by Rule 5 the Board shall likewise lodge eight copies of their Case in the Appeal signed by at least one of the Counsel who attends at the hearing of the Appeal.

9. The Cases shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the parties lodging the same respectively, and the reasons of appeal.

10. The Appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged and the parties shall thereupon exchange Cases by delivering each to the other three copies of their respective Cases.

11. If the Board do not enter an Appearance or do not lodge their Case within the period prescribed by Rule 8 or within such further period as may be allowed by the Registrar, the Appeal shall be set down for hearing *ex parte* provided that the case of the Appellant has already been lodged.

12. Any Appeal may be withdrawn by the Appellant on a Petition to Her Majesty in Council for its withdrawal. On the hearing of any such Petition the Board shall be entitled to apply to the Judicial Committee for their costs.

13. Where the Appellant who has lodged a Petition of Appeal fails to take any further step in the prosecution of the Appeal within the period prescribed by these Rules, or within such further period as may be allowed by the Registrar, the Board may lodge a Petition to Her Majesty in Council praying that the Appeal be dismissed for non-prosecution.

14. All bills of costs under any Order of the Judicial Committee made on Appeal shall stand referred to the Registrar, or such other person as the Judicial Committee may appoint, for taxation, and all such taxation shall be regulated by the Schedule of Fees annexed to these Rules.

15. Rules 77 to 81, inclusive, of the Judicial Committee Rules 1957(a), shall apply, as nearly as may be, to the taxation of all such bills of costs as aforesaid.

16. Where a person desiring to appeal *in forma pauperis* proves by Affidavit to the satisfaction of the Registrar that he is not worth £100 in the world excepting his wearing apparel and that he is unable to provide sureties and also lodges a certificate of Counsel that he has reasonable grounds of appeal, the Appeal shall proceed *in forma pauperis*, and the Appellant shall not be required to pay any Council Office fees.

17. Rule 83 of the Judicial Committee Rules 1957 shall apply as if the reference to "these Rules" therein contained wherever those words appear was a reference to the Judicial Committee (Professions Supplementary to Medicine Rules) Order 1964.

18. Rules 42, 60, 71, 72, 74, 84, 85 and 86 of the Judicial Committee Rules, 1957 shall, so far as applicable and subject to the provisions of any Statute or of any Statutory Instrument to the contrary, apply to Appeals under the Act. Save as aforesaid and as stated in Rules 15 and 17 of these Rules, the Judicial Committee Rules 1957 shall not apply to such Appeals.

SCHEDULE of Fees allowed to Agents conducting Appeals or other matters before the Judicial Committee of the Privy Council.

(50 per cent is added to these Fees)

PART I

	£	s.	d.
Retainer Fee	0	13	4
Drawing Appearance	0	5	0
Perusing written Record, for every 25 folios	0	6	8
Drawing Index, per folio	0	2	0
Drawing Marginal Notes and Headings, per folio	0	0	6
Instructions for Petition or Motion, or to Oppose	0	10	0
Instructions for Petition of Appeal	0	10	0
Instructions for Case	1	0	0
Drawing Petition, Motion, Case or Affidavit, per folio	0	2	0
Copying Petition, Motion, Case or Affidavit, per folio	0	0	6
Perusing Petition, Motion or Affidavit, per folio	0	2	0
Perusing Petition of Appeal	1	1	0
Perusing Case, per 25 folios	0	6	8
Instructions for and preparing Retainer to Counsel	0	10	0
Instructions to Counsel to argue an Appeal	1	0	0
Instructions to Counsel to argue a Petition or Motion	0	10	0
Attending Consultation	1	0	0
Attending at the Council Chamber for the hearing of a Petition or Motion	1	6	8
Attending at the Council Chamber all day on an Appeal not called on	2	6	8
Attending the hearing of an Appeal, per day	3	6	8
Attending a Judgment	1	6	8
Approving draft Order	0	10	0
Attendances generally	0	10	0
Attendances on Counsel where fee is 30 guineas or over	1	0	0
Drawing Bill of Costs, per folio	0	1	0
Copying Bill of Costs, per folio	0	0	6
Attending Taxation of Costs of an Appeal	2	2	0
Attending Taxation of Costs of a Petition or Motion	1	1	0
Sessions Fee for each year or part of a year from the date of Appearance (in Appeals only)	3	3	0
Letters &c. for 1st year	2	2	0
For each following year	1	1	0

PART II

In the event of the Record or Case being printed the following fees will be allowed:

	£	s.	d.
Correcting revised print of Record, per sheet of 8 pages	0	10	6
Correcting proof of case, per sheet of 8 pages	0	10	6
Perusing case, per printed sheet of 8 pages	1	1	0
Instructions to printer	0	10	0

SCHEDULE OF COUNCIL OFFICE FEES

	£	s.	d.
Entering Appearance	1	5	0
Amending Appearance	0	12	6
Examining proof print of Record with the Certified record at the Registry (chargeable to Appellant only)			
per day	2	10	0
per half day	1	5	0
Lodging Petition of Appeal	3	15	0
Lodging any other Petition or Motion	1	5	0
Lodging Case	2	10	0
Setting down Appeal (chargeable to Appellant only)	6	5	0
Setting down any other Petition (chargeable to Petitioner only)	1	5	0
Summons	1	5	0
Committee Report on Petition	2	10	0
Committee Report on Appeal	3	15	0
Original Order of Her Majesty in Council determining an Appeal	6	5	0
Any other original Order of Her Majesty in Council	3	15	0
Plain copy of an Order of Her Majesty in Council	0	6	6
Original Order of the Judicial Committee	2	10	0
Plain copy of Committee Order	0	6	6
Lodging Affidavit	0	12	6
Certificate delivered to parties	0	12	6
Taxing fee 6d. for each pound allowed, or a fraction thereof.			

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under the Professions Supplementary to Medicine Act 1960, enacts Rules to provide for an appeal to Her Majesty in Council by a person whose name has been removed from a register maintained by a Board under the Act.

1964 No. 1002 (S. 69)

ROAD TRAFFIC

SPECIAL ROADS

The Motorways Traffic (Scotland) Regulations 1964

<i>Made</i> - - - -	30th June 1964
<i>Laid before Parliament</i>	10th July 1964
<i>Coming into Operation</i>	11th July 1964

In exercise of the powers conferred on me by section 37 of the Road Traffic Act 1960(a) and of all other powers enabling me in that behalf and after consultation with representative organisations in accordance with the provisions of section 260(2) of that Act, I hereby make the following regulations :—

Commencement and citation

1. These regulations may be cited as the Motorways Traffic (Scotland) Regulations 1964 and shall come into operation on 11th July 1964.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

- (a) “*carriageway*” means that part of a motorway which is constructed with a surface suitable for the regular passage of vehicular motor traffic along the motorway and is distinguishable from the other parts of the motorway by the fact that on each side that part of the motorway either consists of a marginal strip or is contiguous to a raised kerb, but the said expression does not include any part of a central reservation ;
- (b) “*central reservation*” means that part of a motorway which separates two carriageways running along that motorway parallel or approximately parallel to each other and which is contiguous on one side to one of those carriageways and on the other side to the other of those carriageways ;
- (c) “*excluded traffic*” means traffic which is not traffic of Classes I or II ;
- (d) “*marginal strip*” means a continuous narrow strip of the surface of a carriageway which is at the side of that carriageway and is distinguishable from the rest of that surface by having a colour which is different from the colour of the rest of that surface ;
- (e) “*the Secretary of State*” means the Secretary of State for Scotland ;
- (f) “*motorway*” means any road or part of a road to which these regulations apply by virtue of regulation 3 ;

(a) 8 & 9 Eliz. 2. c. 16.

(b) 52 & 53 Vict. c. 63.

(g) "traffic sign" has the meaning assigned thereto by section 51(1) of the Road Traffic Act 1960 ;

(h) "verge" means any part of a motorway which is not a carriageway or a central reservation.

(3) A vehicle shall be treated for the purposes of any provision of these regulations as being on any part of a motorway specified in that provision if any part of the vehicle (whether it is at rest or not) is on the part of the motorway so specified.

(4) Any provision of these regulations containing any prohibition or restriction relating to the driving, moving or stopping of a vehicle, or to its remaining at rest, shall be construed as a provision that no person shall use a motorway by driving, moving or stopping the vehicle or by causing or permitting it to be driven or moved, or to stop or remain at rest, in contravention of that prohibition or restriction.

(5) In these regulations references to numbered classes of traffic are references to the classes of traffic of those numbers set out in Schedule 2 to the Special Roads Act 1949(a), or, as for the time being varied or amended by virtue of any order made by the Secretary of State under section 2 of that Act.

The Motorways

3. These regulations apply to every special road or part of a special road provided in pursuance of a scheme made or confirmed by the Secretary of State under section 1 of the Special Roads Act 1949, being a road or, as the case may be, a part of a road which (save as otherwise provided by or under regulations made under section 37 of the Road Traffic Act 1960) can only be used by traffic of Classes I or II :

Provided that these regulations shall not apply to any part of any such road until such date as may be declared in accordance with section 37(5) of the Road Traffic Act 1960, to be the date on which it is open for use as a special road.

Vehicles to be driven on the carriageways only

4. Subject to the following provisions of these regulations, no vehicle shall be driven on any part of a motorway which is not a carriageway.

Direction of driving

5.—(1) Where there is a traffic sign indicating that there is no entry to a carriageway at a particular place, no vehicle shall be driven or moved on to that carriageway at that place.

(2) Where there is a traffic sign indicating that there is no left or right turn into a carriageway at a particular place, no vehicle shall be so driven or moved as to cause it to turn to the left or (as the case may be) to the right into that carriageway at that place.

(3) Every vehicle on a length of carriageway which is contiguous to a central reservation shall be driven in such a direction only that that reservation is at all times on the right-hand or off side of the vehicle.

(4) Where traffic signs are so placed that there is a length of carriageway (being a length which is not contiguous to a central reservation) which can be entered at one end only by vehicles driven in conformity with paragraph (1) of this regulation, every vehicle on that length of carriageway shall be driven in such a direction only as to cause it to proceed away from that end of that length of carriageway towards the other end thereof.

(5) Without prejudice to the foregoing provisions of this regulation, no vehicle which—

(a) is on a length of carriageway on which vehicles are required by any of the foregoing provisions of this regulation to be driven in one direction only and is proceeding in or facing that direction, or

(b) is on any other length of carriageway and is proceeding in or facing one direction,

shall be driven or moved so as to cause it to turn and proceed in or face the opposite direction.

Restrictions on stopping

6.—(1) Subject to the following provisions of this regulation, no vehicle shall stop or remain at rest on a carriageway.

(2) Where it is necessary for a vehicle which is being driven on a carriageway to be stopped while it is on a motorway—

(a) by reason of a breakdown or mechanical defect or lack of fuel, oil or water required for the vehicle ; or

(b) by reason of any accident, illness or other emergency ; or

(c) to permit any person carried in or on the vehicle to recover or move any object which has fallen on a motorway ; or

(d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the foregoing provisions of this paragraph,

the vehicle shall, as soon and in so far as is reasonably practicable, be driven or moved off the carriageway on to, and may stop and remain at rest on, the verge which lies on the left-hand or near side of that vehicle while it is proceeding along that carriageway in accordance with the provisions of regulation 5.

(3) A vehicle which is at rest on a verge in any of the circumstances specified in paragraph (2) of this regulation—

(a) shall so far as is reasonably practicable be allowed to remain at rest on that verge in such a position only that no part of it or of the load carried thereby shall obstruct or be a cause of danger to vehicles using the carriageway, and

(b) shall not remain at rest on that verge for longer than is necessary in those circumstances.

(4) Nothing in the foregoing provisions of this regulation shall preclude a vehicle from stopping or remaining at rest on a carriageway while it is prevented from proceeding along that carriageway by the presence of any other vehicle or any person or object.

Restrictions on reversing

7. No vehicle on a carriageway shall be driven or moved backwards except in so far as it is necessary to back the vehicle to enable it to proceed forwards along the carriageway or to be connected to any other vehicle.

Restrictions on use of verges

8. No vehicle shall be driven or moved or stop or remain at rest on any verge except in accordance with regulation 6(2) and (3).

Vehicles not to use the central reservation

9. No vehicle shall be driven or moved or stop or remain at rest on a central reservation.

Vehicles not to be driven by learner drivers

10. No motor vehicle shall be driven on a motorway by a person who is authorised to drive that vehicle on a road by virtue only of his being the holder of a provisional licence granted to him under section 102(1) of the Road Traffic Act 1960 :

Provided that this regulation shall not apply to a vehicle which is being driven on a motorway by a person authorised as aforesaid if that person has, since the date of coming into force of the said provisional licence, passed a test prescribed under section 99(2) of the said Act of 1960, sufficient to entitle him to be granted under that Act a licence, other than a provisional licence, authorising him to drive that vehicle on a road.

Restrictions affecting persons on foot on a motorway

11. No person shall at any time while on foot go or remain on any part of a motorway other than a verge except in so far as it is necessary for him to do so to get to a verge or to secure compliance with any of these regulations or to recover or move any object which has fallen on a motorway or to give help which is required by any other person in any of the circumstances specified in regulation 6(2).

Restrictions affecting animals carried in vehicles

12. The person in charge of any animal which is carried by a vehicle using a motorway shall, so far as is practicable, secure that—

- (a) the animal shall not be removed from or permitted to leave the vehicle while the vehicle is on the motorway, and
- (b) if it escapes from, or it is necessary for it to be removed from, or permitted to leave, the vehicle—
 - (i) it shall not go or remain on any part of a motorway other than a verge, and
 - (ii) it shall whilst it is not on or in the vehicle be held on a lead or otherwise kept under proper control.

Use of motorway by excluded traffic

13.—(1) Excluded traffic is hereby authorised to use a motorway on the occasions or in the emergencies and to the extent specified in the following provisions of this paragraph, that is to say—

- (a) traffic of Classes III or IV may use a motorway for the maintenance, repair, cleaning or clearance of any part of a motorway or for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of the motorway ;
- (b) pedestrians may use a motorway—
 - (i) when it is necessary for them to do so as a result of an accident or emergency or of a vehicle being at rest on a motorway in any of the circumstances specified in regulation 6(2), or
 - (ii) in any of the circumstances specified in regulation 14(1)(b), (d), (e) or (f).

(2) Without prejudice to the foregoing provisions of this regulation, the Secretary of State may authorise the use of a motorway by any excluded traffic on occasion or in emergency or for the purpose of enabling such traffic to cross a motorway or to secure access to premises abutting on or adjacent to a motorway.

(3) Without prejudice to the foregoing provisions of this regulation, where by reason of any emergency the use of any road (not being a motorway) by any excluded traffic is rendered impossible or unsuitable the Chief

Constable of the police area in which a motorway or any part of a motorway is situated, or any officer of or above the rank of superintendent authorised in that behalf by that Chief Constable, may—

- (a) authorise any excluded traffic to use that motorway or that part of a motorway as an alternative road for the period during which the use of the other road by such traffic continues to be impossible or unsuitable, and
- (b) relax any prohibition or restriction imposed by these regulations in so far as he considers it necessary to do so in connection with the use of that motorway or that part of a motorway by excluded traffic in pursuance of any such authorisation as aforesaid.

Exceptions and relaxations

14.—(1) Nothing in the foregoing provisions of these regulations shall preclude any person from using a motorway otherwise than in accordance with those provisions in any of the following circumstances, that is to say—

- (a) where he does so in accordance with any direction or permission given by a constable in uniform or with the indication given by a traffic sign ;
 - (b) where he does so in accordance with any permission given by a constable and for the purpose of investigating any accident which has occurred on or near a motorway ;
 - (c) where—
 - (i) it is necessary for him to do so to avoid or prevent an accident or to obtain or give help required as the result of an accident or emergency, and
 - (ii) he does so in such manner as to cause as little danger or inconvenience as possible to other traffic on a motorway ;
 - (d) where he does so in the exercise of his duty as a constable or as a member of a fire brigade or of an ambulance service ;
 - (e) where it is necessary for him to do so to carry out in an efficient manner—
 - (i) the maintenance, repair, cleaning, clearance, alteration or improvement of any part of a motorway, or
 - (ii) the removal of any vehicle from any part of a motorway, or
 - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of a motorway ; or
 - (f) where it is necessary for him to do so in connection with any inspection, survey, investigation or census which relates to a motorway or any part thereof and which is carried out in accordance with any general or special authority granted by the Secretary of State.
- (2) Without prejudice to the foregoing provisions of these regulations, the Secretary of State may relax any prohibition or restriction imposed by these regulations.

Michael Noble,

One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations provide for the regulation of traffic using special roads (described in the regulations as "motorways") provided under the Special Roads Act 1949, in cases where such roads can be used only by traffic of Classes I and II specified in Schedule 2 to the Special Roads Act 1949, as varied by any orders for the time being having effect which vary the composition of these classes of traffic. The regulations apply only to roads which are in Scotland.

The regulations provide that except in certain specified cases—

- (a) vehicles are to be driven on the carriageways only (regulation 4) ;
- (b) one way driving is to be observed by vehicles using carriageways which are contiguous to a central reservation and by vehicles using lengths of carriageway which are not so contiguous in cases where traffic signs are so placed that vehicles can enter those lengths of carriageway at one end only (regulation 5) ;
- (c) vehicles are not to stop on the carriageways (regulation 6(1)) ;
- (d) vehicles on the carriageways are not to reverse (regulation 7) ;
- (e) vehicles may use the verges only to the extent permitted by regulation 6(2) and (3) (regulation 8) ;
- (f) vehicles are not to be driven or to remain at rest on central reservations (regulation 9) ;
- (g) vehicles are not to be driven on motorways by learner-drivers (regulation 10) ;
- (h) persons on foot on a motorway are not to be on the carriageways or on central reservations (regulation 11) ;
- (i) animals carried in a vehicle are as far as practicable to be kept in the vehicle or, if they are not in the vehicle, are not to go or remain on any part of a motorway other than a verge and are to be kept under proper control (regulation 12).

Regulation 13 provides that certain classes of traffic not ordinarily authorised to use motorways may use a motorway as specified in paragraph (1) and also makes provision for enabling such traffic to be authorised to use a motorway as specified in paragraphs (2) and (3).

Regulation 14 provides for certain general exceptions from the provisions of the regulations and authorises the Secretary of State to relax any prohibition or restriction imposed thereby.

1964 No. 1003 (S. 70)

ROADS AND BRIDGES, SCOTLAND

**The Special Roads (Notice of Opening) (Scotland)
Regulations 1964**

<i>Made</i> - - - -	30th June 1964
<i>Laid before Parliament</i>	10th July 1964
<i>Coming into Operation</i>	11th July 1964

In exercise of the powers conferred on me by section 20(5) of the Road Traffic Act 1960(a) and of all other powers enabling me in that behalf and after consultation with representative organisations in accordance with the provisions of section 260(2) of that Act, I hereby make the following regulations:—

1. These regulations may be cited as the Special Roads (Notice of Opening) (Scotland) Regulations 1964 and shall come into operation on 11th July 1964.

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. The notice required for the purposes of section 20(5) of the Road Traffic Act 1960 to be published by the highway authority for a special road in Scotland declaring the date on which that road or any part thereof is open for use as a special road shall, not less than 7 days before that date, be published in at least one newspaper circulating in the area in which the special road or, as the case may be, that part of the road is situated and in the Edinburgh Gazette.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th June 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

Under the Road Traffic Act 1960, the highway authority for a special road provided under the Special Roads Act 1949, is required to publish in the prescribed manner a notice declaring the date on which the special road is open for use as a special road. These regulations prescribe the manner in which the said notice is to be published.

(a) 8 & 9 Eliz. 2. c. 16.

(b) 52 & 53 Vict. c. 63.

1964 No. 1006

DEFENCE

The Rules of Procedure (Army) (Amendment) Rules 1964

<i>Made</i> -	3rd July 1964
<i>Laid before Parliament</i>	9th July 1964
<i>Coming into Operation</i>	10th July 1964

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Army Act 1955(a) and of all other powers enabling him in that behalf makes the following Rules:—

Citation and Commencement

1.—(1) These Rules may be cited as the Rules of Procedure (Army) (Amendment) Rules 1964 and these Rules and the Rules of Procedure (Army) 1956(b) (hereinafter referred to as “the Principal Rules”) and other Rules(c) amending the Principal Rules shall be construed as one and may be cited together as “the Rules of Procedure (Army) 1956”.

(2) These Rules shall come into operation on the 10th July 1964.

Interpretation

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) A Rule or Schedule referred to by number in these Rules means the Rule or Schedule so numbered in the Principal Rules.

Amendments to the Principal Rules

3.—(1) The Principal Rules shall be amended in accordance with the provisions of the following paragraphs of this Rule.

(2) In Rule 2(1) there shall be added in their proper sequence the following definitions:

“Child” means a person under the age of 14 years.

“Sexual offence” means in relation to an offence against section 70 of the Act(a) any offence under the Sexual Offences Act 1956(e) or the Indecency with Children Act 1960(f) or any attempt to commit such an offence and shall include any offence of an indecent or unnatural kind under section 66 of the Act(a) or any attempt to commit such an offence under section 68 of the Act or an offence of an indecent kind under section 69 of the Act.

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(a) 3 & 4 Eliz. 2. c. 18.

(b) S.I. 1956/162 (1956 I, p. 213).

(c) S.I. 1961/2223 (1961 III, p. 3903).

(d) 52 & 53 Vict. c. 63.

(e) 4 & 5 Eliz. 2. c. 69.

(f) 8 & 9 Eliz. 2. c. 33.

(3) In Rule 9 the following paragraph shall be added and shall stand as paragraph (bb):

“ A child shall not be called as a prosecution witness in any case where the charge being investigated is for a sexual offence and any statement made in writing by or taken in writing from the child which would be admissible if given orally may be read to the accused and included in the summary of evidence :

Provided that this paragraph shall have no application where the child can be compelled to attend and the accused objects to the application of this paragraph or the officer taking the summary of evidence requires the attendance of the child for the purpose of establishing the identity of any person or is satisfied it has not been possible to obtain from the child a statement that may be given in evidence under this paragraph : ”

(4) In Rule 34:—

(a) paragraphs (3) and (4) shall be renumbered as paragraphs (4) and (5) and

(b) the following paragraph shall be added and shall stand as paragraph (3):

“ (3) Where a person is a child or young person the oath shall be in the appropriate form set out in the Sixth Schedule to these Rules.”

(5) Rule 62:—

(a) In paragraph (2) the words from “ unless the accused has called a witness to fact ” to the end of the paragraph, shall be omitted.

(b) There shall be substituted for paragraph (3):—

“ (3) Where two or more accused are represented by the same defending officer or counsel he may make one closing address only ”.

(c) Paragraph (4) shall be omitted.

(6) Rule 63:—

For the words “ Rules 59 and 62 ” there shall be substituted the words “ Rule 59 ”.

(7) In sub-paragraph (c) of paragraph (3) of Rule 71 after the words “ civil court ” there shall be inserted the words “, not being offences of which he was found guilty while under the age of fourteen years.”

(8) In sub-paragraph (3A) of Rule 91 in the places where the words “ Army Council ” appear there shall be substituted the words “ Defence Council ”.

(9) In Part (2) of the First Schedule (Summary of Evidence) after the words “ (Signature of officer taking the summary of evidence) ” there shall be inserted the words:—

“ or

..... (description)

A written statement of this witness's evidence has been read to the accused and is included in this summary at page (The accused does not object to the application of Rule of Procedure 9(bb).) (The accused objects to the application of Rule of Procedure 9(bb) but the witness is not compellable and has refused to attend.)

.....
 (Signature of officer taking the summary of evidence) ”.

(10) In Part (1) of the Sixth Schedule (Oaths at Investigations by Commanding Officers and Appropriate Superior Authorities) there shall be added a new item after the item "Witness":—

"Child or young person

I promise before Almighty God that the evidence which I shall give at this investigation shall be the truth, the whole truth and nothing but the truth."

(11) In Part (2) of the Sixth Schedule (Oaths at Courts-Martial) there shall be added a new item after the item "Witness":—

"Child or young person

I promise before Almighty God that the evidence which I shall give before this court-martial shall be the truth, the whole truth and nothing but the truth."

Peter Thorneycroft.

Dated 3rd July 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Rules of Procedure (Army) 1956, by applying to trials by courts-martial provisions analogous to those applicable to the civil courts resulting from the Children and Young Persons Act 1963 and the Criminal Procedure (Right of Reply) Act 1964. The Rules also take account of the transfer of functions from the former Army Council to the Defence Council under the provisions of the Defence (Transfer of Functions) Act 1964.

1964 No. 1010

AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy)
Order 1964**

Made - - - - 7th July 1964
Coming into Operation 8th July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5) and (6) of the Agriculture and Horticulture Act 1964^(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy) Order 1964 ; and shall come into operation on 8th July 1964.

2.—(1) In this order—

“ the Principal Order ” means the Price Stability of Imported Products (Levy Arrangements) Order 1964^(b) as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ;

AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889^(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th July 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries
and Food.

^(a) 1964 c. 28.

^(b) S.I. 1964/809 (1964 II, p. 1706).

^(c) 52 & 53 Vict. c. 63.

SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
11.02	Imports of :— Cereal meal— (a) of barley (b) of maize	per ton £ s. d. 1 0 0 10 0

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which comes into operation on 8th July 1964, fixes rates of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of the specified commodities described in the Schedule to the order.

 STATUTORY INSTRUMENTS

1964 No. 1032

ECCLESIASTICAL LAW

The Faculty Jurisdiction Rules 1964

<i>Made (Approved by the Church Assembly) -</i>	7th July 1964
<i>Laid before Parliament</i>	10th July 1964
<i>Coming into Operation</i>	20th July 1964

In pursuance of section 14 of the Faculty Jurisdiction Measure 1964(a), the Rule Committee constituted by the Schedule to the said Measure hereby make the following Rules:—

Preliminary

1. These Rules may be cited as the Faculty Jurisdiction Rules 1964, and shall come into operation on the twentieth day of July 1964.

2.—(1) In these Rules—

“the Measure” means the Faculty Jurisdiction Measure 1964, and

“the registrar” means, in relation to proceedings affecting a church or churchyard, the registrar of the diocese in which the church or churchyard is situated, and includes any person appointed to act as deputy registrar.

(2) The Interpretation Measure 1925(b) shall apply for the interpretation of these Rules as it applies for the interpretation of Church Assembly Measures.

Faculties for demolition of churches (section 2 of Measure)

3.—(1) The notice stating the substance of a petition for a faculty for the demolition or partial demolition of a church, which is required by section 2(1)(i) of the Measure to be published in the London Gazette and in such other newspapers as the court may direct, shall be published within the following periods:—

(a) in the case of the London Gazette, within the period of four weeks immediately following the day on which the petition was lodged with the registrar or the day on which these Rules come into operation, whichever is the later;

(b) in the case of other newspapers publication in which is directed as aforesaid, within the period specified in the direction or, if no period is so specified, within the period of fifteen days immediately following the date of the direction.

(2) An application by a member of the Council or other person under section 2(1)(iv) of the Measure to give evidence in open court shall be made to the registrar and shall be in the appropriate form set out in the Appendix.

Forms No. 1
and No. 2.

(3) The application shall—

(a) if made by a member of the Council or a person authorised by the Council, be lodged with the registrar within the period of six weeks immediately following the day on which the Council received notice under section 2(1)(ii) of the Measure ;

(b) if made by any other person, be lodged with the registrar within the period of four weeks immediately following the day of publication in the London Gazette of the notice stating the substance of the petition.

Appointment of person to act for archdeacon (section 9(2) of Measure)

4.—(1) In making an appointment under section 9(2) of the Measure the bishop may act on such evidence of the incapacity of the archdeacon as he shall think sufficient, and a statement of his incapacity in the instrument of appointment shall be conclusive.

Form No. 3. (2) The instrument of appointment shall be in the form set out in the Appendix.

Returns to faculties

5.—(1) Unless the judge otherwise directs there shall be included in every faculty authorising work to be done in a church or churchyard a provision requiring the work to be carried out within such period as the judge may direct and requiring a certificate in the form set out in the Appendix to be completed by such persons as the judge may direct and lodged with the registrar within that period.

Form No. 4.

(2) There shall be issued with every faculty containing such a provision as aforesaid a form of certificate to be completed in accordance with that provision and, if the faculty is issued subject to a condition requiring the work or any part thereof to be carried out under the supervision of the archdeacon or any other person (as provided in section 10(a) of the Measure), the certificate shall also certify that that condition has been complied with.

Archdeacon's certificate (section 12 of Measure)

Form No. 5. 6.—(1) An application to the registrar under section 12(1) of the Measure shall be in the form set out in the Appendix.

Form No. 6. (2) A notice of intention to make such an application, which is required by section 12(2) of the Measure to be given in the parish, shall be in the form set out in the Appendix and shall be affixed on or near to the principal door of the parish church, and of every other building licensed for divine service in the parish.

(3) The said notice shall not be affixed until the parochial church council have passed the resolution required by section 12(1) of the Measure in support of the application, and shall remain affixed for a continuous period of not less than 14 days exclusive of the day on which it was affixed.

Form No. 7. (4) The certificate required by section 12(2)(ii) of the Measure that notice of intention and opportunity to object has been duly given shall be in the form set out in the Appendix.

(5) The reference of an application to the judge under the proviso to section 12(2) of the Measure shall be effected by the registrar submitting to the judge—

(a) the application and the supporting resolution and certificate, and

(b) a memorandum by the registrar setting out the reasons why he is not satisfied that the application is within section 12(1).

(6) A notice of objection under section 12(3) of the Measure shall be in the form set out in the Appendix, and may be given at any time after the notice of intention is affixed in accordance with paragraph (2) of this Rule and before the expiration of the period of 28 days immediately following the day on which the notice was affixed, and the registrar shall not refer the application to the archdeacon until after the expiration of that period.

Form No. 8.

(7) If the judge under section 12(7) of the Measure allows the procedure laid down by that section to be followed with regard to an application other than an application falling within section 12(1), the foregoing provisions of this Rule and the forms relating thereto shall apply, except that the form of application shall be varied as set out in the Appendix, and in the form of notice of intention the reference to section 12(1) shall be replaced by a reference to section 12 as applied by the judge under section 12(7).

Form No. 9.

(8) The approval by the advisory committee of the issue of the archdeacon's certificate shall be in writing signed by the chairman or a person nominated by him and by the secretary.

(9) The archdeacon's certificate shall be in the form set out in the Appendix.

Form No. 10.

Advisory committees (section 13 of Measure)

7.—(1) An advisory committee may make its own rules of procedure, and may adopt any general regulations as to procedure, made by the Council.

(2) Proper designs, plans and specifications of any work in connection with a church or churchyard for which a faculty is required shall, unless the judge otherwise directs, be submitted to the advisory committee before presentation of the petition for the faculty, and their report shall be annexed to the petition.

(3) The judge may at any stage of the proceedings for the faculty require the advice of the advisory committee, and may refer any report or advice made or given by them to the Council for further consideration and advice.

Evidence called by the judge

8.—(1) The judge may of his own motion summon before his court and examine a member of the advisory committee or any other person whose evidence he considers relevant and who in either case is willing to give evidence, but the judge shall give to the parties to the proceedings not less than seven clear days' notice in writing of his intention to exercise this power and of the name and address of the proposed witness, and of the matters on which his evidence is required. Evidence so given shall be subject to cross-examination by the parties.

General provisions

9.—(1) Where any act is required by or under these rules to be done within a specified period, the registrar or judge may, on an application made by the person concerned, enlarge the period; and the application may be made notwithstanding that the period has expired.

(2) The registrar or judge may exercise the said power on an *ex parte* application, or may give directions for the giving of notice thereof and for a hearing.

(3) Any such application may be granted on such terms as the registrar or judge may think just.

10. Where any of these rules requires a document to be in a form set out in the Appendix, and that form is not in all respects appropriate, the rule shall be construed as requiring a form of the like character, with such variations as circumstances may require, to be used.

11. The Faculty Jurisdiction Rules 1939(a) are hereby revoked.

Robert Exon.
Seiriol J. A. Evans.
Henry Willink.
W. S. Wigglesworth.
Innes N. Ware.

Dated the 3rd day of June 1964.

Approved by the Church Assembly the 7th day of July 1964.

John Guillum Scott, Secretary.

APPENDIX

FORMS

No. 1

Rule 3(2). *Application by member of Central Council or person authorised by Central Council to give evidence under section 2(1)(iv)*

Faculty Jurisdiction Measure 1964

Diocese of

I, _____ of _____, hereby apply under section 2(1)(iv) of the Faculty Jurisdiction Measure 1964, to give evidence in open court in the proceedings for a faculty to demolish [a part of] the church of _____ in the parish of _____.

I am a member of [a person duly authorised by] the Central Council of Diocesan Advisory Committees for the Care of Churches [to give evidence in the said proceedings]. [A copy of my authority is annexed hereto.]

Dated this _____ day of _____ 19 .

Signature of applicant.

No. 2

Rule 3(2). *Application by person other than member of or person authorised by Central Council to give evidence under section 2(1)(iv)*

(Heading as in Form No. 1)

I, _____ of _____, hereby apply under section 2(1)(iv) of the Faculty Jurisdiction Measure 1964 to give evidence in open court in the proceedings for a faculty to demolish [a part of] the church of _____ in the parish of _____.

I am interested in the said proceedings by reason that

(a) S.R. & O. 1939/771 (Rev. VI, p. 298; 1939 I, p. 677).

(Here state the reason e.g. that the applicant is a parishioner, but the reason need not necessarily disclose an interest in the legal sense. State also the matters on which the applicant proposes to give evidence.)

Dated this _____ day of _____ 19 .

Signature of applicant.

No. 3

Instrument of appointment under section 9 of person to act for archdeacon Rule 4(2).

Faculty Jurisdiction Measure 1964

To _____ of _____, bishop of _____, in pursuance of section 9(2) of the Faculty Jurisdiction Measure 1964 hereby appoint you to act in the place of _____, archdeacon of _____, who is incapacitated from acting [is in my opinion unable or unwilling to act], in the matter of _____ (here specify the case in which the person appointed is required to act).

Dated this _____ day of _____ 196 .

Signature of bishop.

No. 4

Certificate of completion of work Rule 5(2).

Parish of _____

We, _____ of _____, hereby certify that the work authorised by the faculty dated the _____ day of _____ 196 _____ has been carried out in accordance with the designs [plans and specifications] deposited in the registry.

(If the faculty required the work to be carried out under supervision, add: "The work was carried out under the supervision of _____".)

Dated this _____ day of _____ 196 .

Signature of persons required to certify.

Counter-signature by person (if any) directed to supervise the work.

No. 5

Application under section 12(1) Rule 6(1).

Faculty Jurisdiction Measure 1964

We, A.B., incumbent of the parish of _____, and C.D., of _____, and E.F., of _____, churchwardens of that parish, hereby apply under section 12(1) of the Faculty Jurisdiction Measure 1964 for authority to carry out the following works, being works which in our opinion fall within paragraph[s] _____

of section 12(1), in the parish church of the said parish
[the church of _____ in the said parish]:—

(Here specify the proposed works, and include particulars of the following matters:—

1. The estimated cost and the sum in hand.
2. The approximate age of the church and of the part to be dealt with.
3. Whether the structure of the church will be affected, and how.
4. Whether the rights of any individuals will be affected, and how.
5. The name and address of any architect or builder or other contractor employed.
6. Whether any previous faculty or licence has been issued affecting the works proposed and, if so, the particulars of the faculty or licence.
7. Whether there is a rector lay or otherwise and whether his consent has been obtained (this question need only be answered if the work is in the chancel.)

The designs [plans and specifications] are sent herewith and the resolution of the parochial church council is annexed. The said resolution was carried unanimously [by _____ votes to _____ of the members present and voting] at a meeting of the parochial church council held on the _____ day of _____ 19 .

Dated the _____ day of _____ 19 .

Signatures of incumbent and churchwardens.

No. 6

Rule 6(2).

Notice of intention to make application under section 12(1)

Faculty Jurisdiction Measure 1964

Parish of _____

Take notice that the incumbent and churchwardens of this parish intend to make an application under section 12(1) of the Faculty Jurisdiction Measure 1964 for authority to carry out the following works:—

(Here insert particulars of the proposed works.)

If any parishioner or person whose name is entered on the electoral roll of the parish or other person having an interest in the proposed works wishes to object to those works, he should state his objection in writing and deliver or send it to the registrar of the diocese of _____ at the following address (state the registrar's office address) so as to reach him not later than (specify the date 28 days later than the date on which the notice was affixed).

Affixed this _____ day of _____ 19 .

Signatures of incumbent and churchwardens.

No. 7

Rule 6(4).

Certificate supporting application under section 12(1)

Faculty Jurisdiction Measure 1964

We, A.B., the incumbent of the parish of _____, and C.D., of _____, and E.F., of _____, the churchwardens of that parish, hereby certify that the notice a copy

of which is annexed to this certificate was affixed on or near to the principal door of the parish church [and of— here state any other building in the parish licensed for divine service] during the period from to inclusive.

All persons having an interest have therefore been given an opportunity to object to the proposed works in accordance with the said notice.

Dated this day of 19 .

Signatures of incumbent and churchwardens.

No. 8

Notice of objection given to registrar under section 12(3)
Faculty Jurisdiction Measure 1964

Rule 6(6).

To the registrar of the diocese of

I, of , hereby give notice of objection under section 12(3) of the Faculty Jurisdiction Measure 1964 to the proposed works specified in the notice of intention given by the incumbent and churchwardens of the parish of , dated .

I am a parishioner of the said parish [a person whose name is entered on the electoral roll of the said parish] [a person having an interest in the proposed works by reason that]

Dated this day of 19 .

Signature of objector.

No. 9

Application under section 12 as applied by
the judge under section 12(7)
Faculty Jurisdiction Measure 1964

Rule 6(7).

We, A.B., incumbent of the parish of , and C.D., of , and E.F., of , churchwardens of that parish hereby apply under section 12 of the Faculty Jurisdiction Measure 1964, as applied by the judge under section 12(7), for authority to carry out the following works in the parish church [churchyard] of the above parish [the church or churchyard of in the above parish]:—

(Here specify the proposed works and give particulars of the matters set out in Form No. 5, so far as relevant).

The designs [plans and specifications] are sent herewith and the resolution of the parochial church council is annexed. The said resolution was carried unanimously [by votes to of the members present and voting] at a meeting of the parochial church council held on the day of 19 .

Dated this day of 19 .

Signatures of incumbent and churchwardens.

No. 10

Rule 6(9).

Archdeacon's certificate under section 12

Faculty Jurisdiction Measure 1964

Diocese of

In pursuance of section 12 of the Faculty Jurisdiction Measure 1964, I
 archdeacon of
 with the approval of the advisory committee, hereby authorise the execution
 in the parish church of the parish of [the church
 of in the parish of] of the work
 proposed in an application dated the day of
 19 and made by the incumbent and churchwardens of the said parish.

The work as authorised shall be completed within months from
 the date hereof, and its completion shall be certified to the registrar by
 the incumbent and churchwardens of the parish.

Dated this day of 19 .

Signature of archdeacon.

EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate
 their general purport.)*

These Rules cover matters of practice and procedure arising under
 the following sections of the Faculty Jurisdiction Measure 1964 :—

- section 2 (faculties for demolition of churches),
- section 9(2) (appointment of person to act for archdeacon),
- section 12 (issue of certificates by archdeacons),
- section 13 (Diocesan advisory committees).

They also cover in Rules 5 and 8 two matters previously dealt with in
 Rules 4 and 6 of the Faculty Jurisdiction Rules 1939, now to be
 revoked.

These Rules do not provide the comprehensive code of practice and
 procedure contemplated by section 14(1)(a) of the Faculty Jurisdiction
 Measure 1964.

1964 No. 1033

ECCLESIASTICAL LAW

The Legal Officers Fees Order 1964

Made (Approved by
the Church Assembly) 6th July 1964
Laid before Parliament 10th July 1964
Coming into Operation 1st September 1964

We, the Fees Committee constituted in accordance with the provisions of section one of the Ecclesiastical Fees Measure 1962(a), in the exercise of the powers conferred by that section, do hereby order as follows:—

1. The Tables of Fees set forth in the Schedule to this Order are hereby established and contain particulars of the fees which are to be demanded taken and received by the respective legal officers named in the Schedule for the performance by them after the commencement of this Order of the duties of their offices in relation to the respective matters specified in the Schedule.

2. Save as otherwise provided in this paragraph the Tables of Fees set forth in the Schedule to this Order are established in substitution for the following Tables of Fees:—

- (i) The Table commonly called “The Table of Fees fixed by Act of Parliament payable to certain Ecclesiastical Officers”;
- (ii) The Table of Fees recommended by the Convocation of Canterbury on the 27th day of April 1894;
- (iii) The Table of Fees approved by Order of the Privy Council dated the 6th day of October 1908 (b);
- (iv) The Table of Fees in the First Schedule to the Ecclesiastical Officers Remuneration Order No. 1 1953(c);
- (v) The Table of Fees in Part I of the Second Schedule to the Ecclesiastical Officers Remuneration Order No. 1 1953, save that the fees numbered 3 to 6 and the Appendix to the Table shall continue to have effect;
- (vi) The Table of Fees in the Schedule to the Ecclesiastical Officers Remuneration Order No. 2 1953(d), save that the fees payable in connection with the Reorganisation Areas Measure 1944(e) shall continue to have effect.

3. A fee in the Tables of Fees set forth in the Schedule to this Order, which replaces a fee previously payable in respect of the same matter, is payable for the performance of the same duties as by law or custom were performed for the fee which is replaced. The Rules attached to the Table of Fees approved by Order of the Privy Council dated the 6th day of October 1908, and the Rules contained in the Third Schedule to the Ecclesiastical Officers Remuneration Order No. 1 1953 other than Rule 10, shall cease to have effect.

(a) 10 & 11 Eliz. 2, No. 1. (b) S.R. & O. 1908/879 (Rev. VI. p. 187: 1908, p. 315).
 (c) S.I. 1953/1708 (1953 I, p. 593). (d) S.I. 1953/1709 (1953 I, p. 598)
 (e) 7 & 8 Geo. 6, No. 1.

4. A fee in a Table of Fees set forth in the Schedule to this Order may be increased by a sum for reasonable expenses of travel.

5. Where work for which a fee is payable by virtue of this Order is performed by or on behalf of some person other than the legal officer specified as receiving that fee it shall be payable to that other person.

6. This Order may be cited as the Legal Officers Fees Order 1964, and shall come into operation on the first day of September 1964.

Dated the thirteenth day of May 1964.

Conolly H. Gage.
J. R. Cumming Bruce.
G. G. Hartwright.

Approved by the Church Assembly the sixth day of July 1964.

John Guillum Scott, Secretary.

SCHEDULE
TABLE I
FEES RELATING TO THE CLERGY

Matter	Vicar General or Chancellor	Diocesan Registrar	Secretary to Bishop	Provincial Registrar	Secretary to Archbishop	Chapter Clerk	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Ordination	—	1 1 0	4 4 0	—	—	—	5 5 0
2. Certificate of Ordination	—	—	2 2 0	—	—	—	2 2 0
3. Admission to Freehold Office	—	3 3 0 (See Provision 2)	6 6 0	—	—	—	9 9 0
4. Certificate of Institution or Collation	—	—	2 2 0	—	—	—	2 2 0
5. Presentation to a Benefice or Nomination to Perpetual Curacy if prepared by Secretary	—	—	3 3 0	—	—	—	3 3 0
6. Presentation to a Benefice or Nomination to a Perpetual Curacy if prepared by Chapter Clerk	—	—	—	—	—	3 3 0	3 3 0
7. Commission for Institution, Collation or Licence to Perpetual Curacy	—	—	1 11 6	—	—	—	1 11 6
8. Certified Copy of Letters Testimonial	—	—	0 10 6	—	—	—	0 10 6
9. Letters Dimissory or Letters of Request	—	—	3 3 0	—	—	—	3 3 0
10. Consent to hold Preferment under the Clergy Discipline Act 1892 or the Ecclesiastical Jurisdiction Measure 1963, fees for Provincial Registrar and Diocesan Registrars	—	0 10 6 each	—	4 4 0	—	—	5 5 0
1. Installation to Deanery	—	—	—	—	—	—	—
2. Installation to a Canony or Prebend, whether Residentiary or Honorary, or to an Archdeaconry	—	—	—	—	—	10 10 0	10 10 0
	—	—	—	—	—	5 5 0	5 5 0

Matter	Vicar General or Chancellor	Diocesan Registrar	Secretary to Bishop	Provincial Registrar	Secretary to Archbishop	Chapter Clerk	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
13. Admission to Minor Canony	—	—	—	—	—	3 3 0	3 3 0
14. Licence of Minister to Officiate	—	0 10 6 (See Provision 3)	3 3 0	—	—	—	3 13 6
15. Licence under the Colonial Clergy Act 1874	0 10 6	—	—	—	3 3 0	—	3 13 6
16. Permission under the Colonial Clergy Act 1874	—	—	—	—	3 3 0	—	3 3 0
17. Informal Permission under the Colonial Clergy Act 1874	—	—	—	—	1 1 0	—	1 1 0
18. Dispensation to hold two benefices—Archbishop's Secretary for Fiat and Bishop's Secretary for obtaining certificate of value, propulation, etc., and passing the Dispensation through the offices, including the fees £1 12s. 6d. to the Faculty Office	—	—	3 3 0	—	4 14 6	—	7 17 6
19. Licence of Non-residence or for Legalising House of Residence	—	0 10 6	1 1 0	—	—	—	1 11 6
20. Licence of Non-residence or for Legalising House of Residence, additional fee if Confirmation by Archbishop necessary	—	—	—	—	0 10 6	—	0 10 6
21. Resignation Instrument, when prepared by Secretary	—	—	3 3 0 plus 10s. Od. Stamp Duty	—	—	—	3 13 0

Provisions relating to Table I

1. Save in the case of the fees for the Chapter Clerk which are payable out of Capitular Revenues the fees in this Table are the liability of the Archbishop or Bishop, and section 5 of the Ecclesiastical Fees Measure 1962 applies to them.
2. Fees payable in respect of Admission to Freehold Office are in substitution for fees previously payable in respect of the Collation, Institution and Induction to a Benefice, the Licensing of a Perpetual Curacy and the Collation to an Honorary Prebend or Canonry or to a Canonry. The fees are also payable in respect of Institution to a Deanery.
3. Fees payable in respect of a Licence of a Minister to officiate are in substitution for fees previously payable in respect of the licence of a Curate (including the fee payable for the copy of the licence for the Churchwardens) and licences of the Minister of a Peel District, a Lecturer, a Public Preacher, a Master of a School, a Minister of a Proprietary Chapel, a Minister under the Private Chapels Act and a Cemetery or Hospital Chaplain. The fee is also payable for a licence of a Curate of a Conventual District or for any other licences of a Minister to officiate.

TABLE II
FEES RELATING TO THE ADMISSION AND RESIGNATION OF BISHOPS

Matter	Vicar General	Registrar	Secretary to Archbishop	Total
1. Confirmation, Consecration and Enthronement of Diocesan Bishop in the Province of Canterbury	£ s. d. 15 15 0	£ s. d. 152 15 6 (See Provision 1)	£ s. d. 36 15 0	£ s. d. 205 5 6
2. Confirmation, Consecration and Enthronement of Diocesan Bishop in the Province of York	15 15 0	132 13 0 (See Provision 3)	36 15 0	185 3 0
3. Confirmation and Enthronement only of Diocesan Bishop in the Province of Canterbury	15 15 0	131 15 0 (See Provision 2)	36 15 0	184 5 0
4. Confirmation and Enthronement only of Diocesan Bishop in the Province of York ...	15 15 0	111 13 0 (See Provision 3)	36 15 0	164 3 0
5. Election documents for use by Chapter if prepared by Registrar ...	—	12 12 0	—	12 12 0
6. Consecration of Suffragan Bishop ...	—	43 11 6	52 10 0	96 1 6
7. Resignation of a Diocesan or Suffragan Bishop ...	—	—	28 17 0	28 17 0
8. Commission to hold Confirmation during vacancy ...	—	3 3 0	—	3 3 0
9. Commission to Ordain during vacancy ...	—	5 5 0	—	5 5 0

Provisions relating to Table II

1. The fees payable in the above Table are payable in respect of the work customarily done by the several Legal Officers therein specified in connection with the matters set out in the first column, and are the liability of the Diocesan Bishop, and section 5 of the Ecclesiastical Fees Measure 1962 applies to them.

2. The Registrar of the Province of Canterbury shall be under a duty to make to the following persons or where applicable to the person carrying out the duties customarily performed by them the following payments out of the fee received by him in respect of the Confirmation, Consecration and Enthronement of a Diocesan Bishop:—

	£	s.	d.
The Registrar of the Archdeacon of Canterbury
The Apparitor General	12 12 0
Record Keeper	5 15 6
Rector of St. Mary le Bow	2 2 0
Parochial Church Council of St. Mary le Bow	2 2 0
Bishop's Advocate	3 3 0
Bishop's Proctor	3 3 0
	4 4 0

3. The Registrar of the Province of Canterbury shall be under a duty to make the payments set out in the preceding provision out of the fee received by him in respect of the Confirmation and Enthronement only of a Diocesan Bishop save that the payment to the Apparitor General shall be a sum of £3 3s.

4. The Registrar of the Province of York shall be under a duty to make the same payments to the Apparitor General, the Record Keeper, the Bishop's Advocate and the Bishop's Proctor as are required to be made by the Registrar of the Province of Canterbury under the two preceding provisions on the occasions specified in those provisions.

TABLE III
FEES RELATING TO CHURCHES, CHURCHYARDS, ETC.

Matter	Vicar General or Chancellor	Diocesan Registrar	Secretary to Bishop	Total
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Consecration of a Church and Burial Ground or a Church without a Burial Ground	4 4 0	15 15 0	1 1 0	21 0 0
2. Consecration of a Cemetery or Burial Ground	3 3 0	11 11 0	1 1 0	15 15 0
3. Preparation and Registration of documents required under the Consecration of Churchyards Act 1867 for Consecration of additions to churchyards	—	7 7 0	—	7 7 0
4. Licence of Temporary Church in Ecclesiastical District, Mission Building or Room where Church is closed	—	0 10 6	2 12 6	3 3 0
5. Licence of Burial Ground until Consecration	—	2 2 0	—	2 2 0
6. Licence of Building for Marriages including settling area to which the licence should apply	—	1 1 0	9 9 0	10 10 0
7. Order for Licensed Chapel to come under Faculty Jurisdiction	—	1 1 0	2 2 0	3 3 0

Provision relating to Table III

The fees in this Table are payable by the person or body petitioning for the consecration or licence save that the fees in respect of the order for a Licensed Chapel to come under the Faculty Jurisdiction are payable by the Bishop and section 5 of the Ecclesiastical Fees Measure 1962 applies to them.

TABLE IV
FEES IN RESPECT OF DUTIES IMPOSED ON DIOCESAN REGISTRARS AND SECRETARIES TO BISHOPS BY MEASURES PASSED BY THE CHURCH ASSEMBLY

Measure	Matter	Fee	Payable by
Union of Benefices Measure 1923	(a) Appointment of Commission under S.3 ... (b) Registration of Order in Council under S.11(2)	£11 11s. to Secretary 15s. to Registrar	Church Commissioners in each case out of diocesan expenses fund.
Benefices (Transfer of Rights of Patronage) Measure 1930	Notices under S.2	£4 10s. to Secretary	In such proportions as may be agreed between the transferor and the transferee or in the absence of such agreement by the transferee.
Benefices (Exercise of Rights of Presentation) Measure 1931	Notice to Patron and Parochial Church Council under S.1 Additional fee if Body of Advisers is consulted, Notices to be given	15s. to Secretary	Diocesan Board of Finance.
Clergy Disabilities Act 1870 (Amendment) Measure 1934	Recording of vacation of enrolment in Registry Copy of Record	£4 10s. to Secretary 15s. to Registrar	Person requiring consultation. Clergyman.
Parsonages Measures 1938	Certificate of Bishop as to house or residence	£1 10s. to Secretary	Church Commissioners.
New Parishes Measure 1943	S.1(3) Scheme and map of the area to be filed in the Registry	15s. to Registrar	Church Commissioners.
	S.2(5) Scheme and map of the area to be filed in the Registry	15s. to Registrar	Church Commissioners.
	S. 3(3) Fee for Bishop's Licence	Fee for Bishop's Licence for a building £3 3s. to Secretary and 15s. to the Registrar	Parochial Church Council.
S. 5(1) Order for marriage ... ..	...	15s. to the Registrar	Parochial Church Council. Person declared by agreement to be patron.
S. 9(2) Patronage agreement to be registered in the Diocesan Registry	...	£8 8s. to Secretary if agreement is prepared by him Registrar 15s. or 9d. per folio if registered at length	

S. 22 Substitution of new church for Parish Church	15s. to Registrar	...	Church Commissioners.
S. 22(4) Declaration of Bishop	£1 10s. to Secretary 15s. to Registrar	...	Diocesan Board of Finance or Parochial Church Council.
S. 23(2) Order in Council altering boundaries to be filed in the Registry	15s. to Registrar	...	Diocesan Board of Finance or Parochial Church Council.
S. 27 Order in Council confirming Schemes to be registered in Diocesan Registry	15s. to Registrar	...	Diocesan Board of Finance or Parochial Church Council.
Filing of Order in Council with Registry	15s. to Registrar	...	Church Commissioners.
S. 3(1) Bishop's notice in writing to the Committee	15s. to Secretary	...	Diocesan Board of Finance.
S. 5(1) Preparing Licence of Assistant Curate in special form	£1 10s. to Secretary and 15s. to Registrar	...	Diocesan Board of Finance.
S. 5(2) Determination of appointment of Curate	15s. to Secretary	...	Diocesan Board of Finance.
S. 5(3) Record of every exercise of foregoing powers by the Bishop to be filed in the Registry	15s. to Registrar for each document	...	Diocesan Board of Finance.
S. 6(1) Preparation of Resignation if required. Declaration of avoidance as set out in the second Schedule	£3 10s. to Secretary	...	Diocesan Board of Finance.
S. 6(3) One copy of the declaration to be filed in the Registry	15s. to Registrar	...	Diocesan Board of Finance.
S. 12(1) and (2) Notices and varying or revoking notices	£2 10s. to Secretary and 10s. 6d to Registrar	...	Diocesan Board of Finance.
S. 5(12) Church Commissioners to file copy of Order in Diocesan Registry	15s. to Registrar	...	Church Commissioners.
S. 8(1) Bishop to notify the Patron and P.C.C. of vacancy and opinion	15s. to Secretary for each notice	...	Diocesan Board of Finance.
S. 8(3) To file copy of every notification in the Registry	15s. to Registrar	...	Diocesan Board of Finance.
S. 12(7) To file copy of notice of order received from Commissioners in Registry	15s. to Registrar	...	Church Commissioners.
S. 6(1) To draw and engross Bishop's Direction, to publish Direction	£1 10s. to Secretary	...	Diocesan Board of Finance.

Episcopal Endowments and Stipends Measure 1943

Incumbents (Disability) Measure 1945

Pastoral Reorganisation Measure 1949

Measure	Matter	Fee	Payable by
Benefices (Suspension of Presentation) Measure 1953	<p>S. 1(1) To obtain consents of Patron and Diocesan Committee</p> <p>S. 1(3) Further consents of Patron and Diocesan Committee</p> <p>S. 1(4) Drawing up notice of determination of suspension period and service thereof</p> <p>S. 1(6) Preparing copies of notices and service on Patron, Churchwardens and Sequestrators</p>	<p>£8 8s. inclusive fee to Secretary</p>	Sequestrators.
Representation of the Laity Measure 1956	<p>Advising Bishop as to exercise of powers under Rule 31 of the Rules for the Representation of the Laity</p> <p>Application to Bishop under paragraph 17 of Appendix II</p>	<p>£1 10s. to Secretary</p> <p>£1 10s. to Secretary</p>	<p>Party applying to Bishop.</p> <p>Party applying to Bishop.</p>
Parochial Church Councils (Powers) Measure 1956	<p>Application to Bishop under S. 9(2)</p> <p>Appeal to Bishop under S. 9(3)</p>	<p>£1 10s. to Secretary</p> <p>£1 10s. to Secretary</p>	<p>Party in default.</p> <p>Party appealing to Bishop.</p>

TABLE V
MISCELLANEOUS FEES

Matter	Vicar General or Chancellor	Diocesan Registrar	Secretary to Bishop	Secretary to Archbishop	Archdeacon or Official	Archdeacon's Registrar	Total	Payable by
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1. Episcopal Visitation	0 4 0	1 18 0	—	—	—	—	2 2 0	Parochial Church Council.
2. Archidiaconal Visitation	—	—	—	—	0 2 0	0 19 0	1 1 0	Parochial Church Council.
3. Investigating Title in case of change of patronage since the last presentation	—	—	Fee based on Schedule II to the Solicitors' Remuneration Order	—	—	—	—	Patron.
4. Sequestration of a Benefice on a vacancy	0 10 6	3 3 0	—	—	—	—	3 13 6	Sequestrators.
5. Appointment of Rural Dean	—	—	1 1 0	—	—	—	1 1 0	Bishop.
6. Retaining fee for Secretary to Arch- bishop of Canterbury	—	—	—	1,500 0 0	—	—	1,500 0 0	Archbishop.
7. Retaining fee for Secretary to Arch- bishop of York	—	—	—	800 0 0	—	—	800 0 0	Archbishop.
8. Retaining fee for Secretary to Dio- cesan Bishop	—	—	1 1 0*	—	—	—	—	Bishop.

* Per parish or ecclesiastical district in the diocese, including each parish which forms a separate parish in cases where a scheme of union provides for the union of benefices but not of parishes with a minimum of £250.

Provision relating to Table V

Section 5 of the Ecclesiastical Fees Measure 1962 applies to the fees that are the liability of the Archbishop or Bishop.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order establishes tables of fees payable to ecclesiastical legal officers for nearly all matters contained in existing tables of fees established by statute or under statutory powers or by the Convocations, and also certain other matters, but court fees and fees in respect of faculties or archdeacons' certificates in lieu of faculties are not contained in these tables.

 STATUTORY INSTRUMENTS

1964 No. 1042

WAGES COUNCILS

The Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1964

Made - - - - - 6th July 1964

Coming into Operation 24th July 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Dressmaking and Women's Light Clothing Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 24th July 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1961(c), and the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) (Amendment) Order 1962(d), shall cease to have effect.

Dated 6th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1961 (Order W.D.S. (75)), as amended by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) (Amendment) Order 1962 (Order W.D.S. (77)).

(a) 7 & 8 Eliz. 2. c. 69.

(c) S.I. 1961/159 (1961 I, p. 270).

(b) 52 & 53 Vict. c. 63.

(d) S.I. 1962/1611 (1962 II, p. 1872).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The statutory minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part V is:—
- (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II, Part III or Part IV of this Schedule,
 - (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part III or Part IV of this Schedule, or, where no piece work basis time rate is applicable, at least the same amount of money as the general minimum time rate which would be payable under Part II of this Schedule if the worker were a time worker.

PART II

FEMALE WORKERS IN THE RETAIL BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to female workers employed in the retail branch in Area A or Area B are respectively as follows:—

	Area A		Area B	
	per hour		per hour	
	s.	d.	s.	d.
(1) BODICE, COAT, SKIRT, GOWN OR BLOUSE HANDS, aged 20 years or over, who:—				
(a) having worked for 4 years in the said branch in one or more of the occupations of learner, apprentice or improver and for at least 2 years in the said branch thereafter,				
(b) take bodices, coats, skirts, gowns or blouses direct from the fitter in an establishment in which a fitter is employed and make them up without supervision other than the general supervision of the fitter or the workroom foreman or forewoman
(2) LEARNERS during the following periods of employment in the retail branch:—				
1st year	3	2½
2nd "	3	1
3rd "	1	4
4th "	1	7
	1	11½
	2	4½
	1	4
	1	7
	1	11½
	2	4½
	1	4
	1	7
	1	11½
	2	4½
(3) All other workers	3	0
	2	10½

Provided that a learner who enters, or has entered the trade for the first time at or over the age of 18 years shall be treated for the purposes of this paragraph as though she had, at the date of her entry, completed her first year's employment as a learner in the said branch.

RECKONING EMPLOYMENT IN THE WHOLESALE MANUFACTURING BRANCH

3. Where a worker has been employed in the wholesale manufacturing branch, one half of the period of such employment shall be treated for the purposes of this Part of this Schedule as employment in the retail branch.

DEFINITION OF AREAS

4. For the purposes of this Part of this Schedule:—

Area A comprises—

- (1) all Burghs which, according to the Annual Report of the Registrar-General for Scotland for 1946, had a population of 10,000 or more ;
- (2) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton ; Uphall in the County of West Lothian and Larbert in the County of Stirling ;
- (3) the following areas, the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely, Bellshill and Mossend, Blantyre, Cambuslang, Larkhall, Shotts and Dykehead, and Holytown, New Stevenston and Carfin, all in the County of Lanark ; and
- (4) the following Burghs—

ANGUS COUNTY

Brechin
Forfar

ARGYLL COUNTY

Dunoon

AYR COUNTY

Troon

BUTE COUNTY

Rothsay

DUNBARTON

COUNTY
Helensburgh

FIFE COUNTY

Leven
Lochgelly
St. Andrews

RENFREW COUNTY

Gourock

STIRLING COUNTY

Kilsyth

WEST LOTHIAN

COUNTY
Armadale
Bo'ness.

Area B comprises the whole of Scotland other than Area A.

PART III

FEMALE WORKERS IN THE WHOLESALE MANUFACTURING BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

5. The general minimum time rates payable to female workers in the wholesale manufacturing branch are as follows:—

	Per hour
	s. d.
(1) CONVEYOR BELT MACHINISTS (that is to say female workers employed in machining any work conveyed directly to and from them on a mechanical conveyor belt), not being workers to whom (2) of this paragraph applies	3 3½

(2) LEARNERS during the following periods of employment in the wholesale manufacturing branch:—

								Per hour
								s. d.
1st six months	...	...	...	...	...	...	...	1 7
2nd "	"	"	...	...	...	...	...	1 10
3rd "	"	"	...	...	...	...	...	2 2
4th "	"	"	...	...	...	...	...	2 3½
5th "	"	"	...	...	...	...	...	2 5½
6th "	"	"	...	...	...	...	...	2 7½

Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years shall be treated for the purposes of this paragraph as though she had, at the date of her entry, completed her first year's employment as a learner in the said branch.

(3) All other workers 3 2

RECKONING EMPLOYMENT IN THE RETAIL BRANCH

6. Where a worker has been employed in the retail branch, one half of the period of such employment shall be treated for the purposes of this Part of this Schedule as employment in the wholesale manufacturing branch.

PIECE WORK BASIS TIME RATE

								Per hour
								s. d.
7. The piece work basis time rate applicable to female workers of any age employed in the wholesale manufacturing branch on piece work is	...	...	...	...	...	...	...	3 4½

PART IV

MALE WORKERS IN ANY BRANCH OF THE TRADE

GENERAL MINIMUM TIME RATES

8. The general minimum time rates payable to male workers in any branch of the trade are as follows:—

								Per hour
								s. d.
Aged 21 years or over	...	...	...	...	...	...	...	4 3½
" 20 and under 21 years	...	...	...	...	...	...	...	3 6½
" 19 " " 20 "	...	...	...	...	...	...	...	3 2
" 18 " " 19 "	...	...	...	...	...	...	...	2 10
" 17 " " 18 "	...	...	...	...	...	...	...	2 6
" 16 " " 17 "	...	...	...	...	...	...	...	2 0½
" under 16 years	...	...	...	...	...	...	...	1 8½

Provided that the general minimum time rates payable during his first year's employment in the trade to a worker who enters, or has entered, the trade for the first time at or over the age of 19 years shall be—

During the 1st six months of such employment	...	...	...	2 10½
During the 2nd six months of such employment	...	...	...	3 1

PIECE WORK BASIS TIME RATE

								Per hour
								s. d.
9. The piece work basis time rate applicable to male workers of any age employed in any branch of the trade on piece work is	...	...	...	...	...	...	...	4 8

PART V

OVERTIME AND WAITING TIME

RETAIL BRANCH

OVERTIME

10. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 11 are payable to workers in the retail branch of the trade in respect of any time worked—

(1) in excess of the hours following, that is to say—

(a) in any week 42 hours

(b) on any day other than a Saturday, Sunday or customary holiday 8½ hours

Provided that where the worker normally attends on five days only in the week minimum overtime rates shall apply after 9 hours

(c) on a Saturday, not being a customary holiday, where the worker normally attends on six days in the week ... 4 hours

(2) on a Sunday or a customary holiday or, where the worker normally attends on five days only in the week, on a Saturday.

MINIMUM OVERTIME RATES

11.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in the retail branch of the trade as follows:—

(a) on any day other than a Saturday, Sunday or a customary holiday—

(i) for the first two hours worked in excess of 8½ hours

TIME-AND-A-QUARTER

(ii) thereafter

TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

(b) on a Saturday not being a customary holiday—

(i) where the worker normally attends on six days in the week—

for all time worked in excess of 4 hours

TIME-AND-A-HALF

(ii) where the worker normally attends on five days only in the week—

for the first two hours worked ...

TIME-AND-A-QUARTER

thereafter

TIME-AND-A-HALF

(c) on a Sunday or a customary holiday—

for all time worked

DOUBLE TIME

(d) in any week exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—

for all time worked in excess of 42 hours

TIME-AND-A-QUARTER

- (2) Where the worker normally attends on Sunday and not on Saturday (except where such attendance is unlawful) Saturday shall be treated as a Sunday and, subject to the provisions of (3) of this paragraph, Sunday as a Saturday.
- (3) Where the worker normally attends on six days in the week and an ordinary week-day is substituted for Saturday or, in a case where the provisions of (2) of this paragraph apply, for Sunday, as the worker's weekly short day (except where such substitution is unlawful), that ordinary week-day shall be treated as a Saturday, and Saturday or Sunday (as the case may be) as an ordinary week-day.

WHOLESALE MANUFACTURING BRANCH

OVERTIME

12. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 13 are payable to workers in the wholesale manufacturing branch of the trade in respect of any time worked—
- (1) in excess of the hours following, that is to say,
- | | | |
|--|--------|----------|
| (a) in any week | ... .. | 42 hours |
| (b) on any day other than a Saturday, Sunday or customary holiday— | | |
| where the normal working hours exceed 8½ | ... .. | 9 hours |
| or | | |
| where the normal working hours are not more than 8½ | ... .. | 8½ hours |
- (2) on a Saturday, Sunday or customary holiday.

MINIMUM OVERTIME RATES

13. Minimum overtime rates are payable to a worker in the wholesale manufacturing branch of the trade as follows:—
- (1) on any day other than a Sunday or customary holiday—
- | | | |
|--|--------|--------------------|
| (a) for the first 2 hours of overtime worked | ... .. | TIME-AND-A-QUARTER |
| (b) thereafter | ... .. | TIME-AND-A-HALF |
- (2) on a Sunday or customary holiday—
- | | | |
|---------------------|--------|-------------|
| for all time worked | | DOUBLE TIME |
|---------------------|--------|-------------|
- Provided that where the worker normally attends on Sunday and not on Saturday (except where such attendance is unlawful) Saturday shall be treated as a Sunday and Sunday as a Saturday.
- (3) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this paragraph—
- | | | |
|---|--------|--------------------|
| for all time worked in excess of 42 hours | | TIME-AND-A-QUARTER |
|---|--------|--------------------|

14. In this Part of this Schedule—

(1) The expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively:—

- (a) in the case of a time worker, one and a quarter times, one and a half times, and twice the general minimum time rate otherwise payable to the worker;
- (b) in the case of a male worker employed on piece work in any branch or of a female worker employed on piece work in the wholesale manufacturing branch,
 - (i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker, and, in addition thereto,
 - (ii) the piece rates otherwise payable to the worker under paragraph 1(2);
- (c) in the case of a female worker employed on piece work in the retail branch—
 - (i) a time rate equal respectively to one quarter, one half and the whole of the general minimum time rate which would be payable to the worker under Part II of this Schedule if she were a time worker and a minimum overtime rate did not apply, and, in addition thereto,
 - (ii) the piece rates otherwise payable to the worker under paragraph 1(2).

(2) The expression “customary holiday” means—

(a) New Year’s Day (or the following day if New Year’s Day falls on a Sunday);

The local Spring holiday;

The local Autumn holiday; and

Any day proclaimed as an additional bank holiday or a general holiday throughout Scotland:

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or days not fewer in number may, by agreement between the employer and the worker, be substituted therefor.

(b) Three other days to be agreed between the employer and the worker.

WAITING TIME

15.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances:—

- (a) without the employer’s consent, express or implied;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;
 - (c) by reason only of the fact that he is resident thereon;
 - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

**PART VI
INTERPRETATION**

16. In this Schedule—

- (1) "the trade" means the trade of dressmaking and the making of women's light clothing, that is to say, those branches of the women's clothing trade which are specified in paragraph 17;
- (2) "the retail branch" means that branch of the trade in which the employer supplies the garment direct to the individual wearer and employs the worker direct;
- (3) "the wholesale manufacturing branch" means any branch of the trade other than the retail branch;
- (4) "learner" means a female worker who is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides her with reasonable facilities for such learning.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

17. This Schedule applies to workers in relation to whom the Dressmaking and Women's Light Clothing Wages Council (Scotland) operates, that is to say, workers employed in Scotland in those branches of the Women's Clothing Trade which are specified in the Schedule to the Trade Boards (Dressmaking and Women's Light Clothing Trade, Scotland) (Constitution and Proceedings) Regulations 1933(a), excluding any processes or operations therein which may be included in the Appendix to the Trade Boards (Shirtmaking) Order 1920(b). The Schedule to the said Regulations is as follows:—

"Those Branches of the Women's Clothing Trade that are engaged in the making of Non-Tailored Garments, namely, the making from textile or knitted fabrics of (a) non-tailored wearing apparel (other than handkerchiefs) worn by women or girls, or by children without distinction of sex, or (b) boys' ready-made washing-suits or sailor suits, where carried out in association with or in conjunction with the making of garments to be worn by women or girls, or by children without distinction of sex;

INCLUDING—

1. All operations and processes of cutting, making or finishing by hand or machine of dresses, non-tailored skirts, wraps, blouses, blouse-ropes, jumpers, sports-coats, neckwear, tea-gowns, dressing-gowns, dressing-jackets, pyjamas, under-clothing, underskirts, aprons, overalls, nurses' and servants' caps, juvenile clothing, baby-linen, or similar non-tailored articles;
2. The making of field bonnets, sun-bonnets, boudoir caps or infants' millinery where carried on in association with or in conjunction with the making of any of the articles mentioned in paragraph 1 above;
3. (a) The altering, repairing, renovating or remaking of any of the above-mentioned articles;
- (b) The cleaning of any of the above-mentioned articles where carried on in association with or in conjunction with the altering, repairing, renovating or remaking of such garments;
4. All processes of embroidery or decorative needlework where carried on in association with or in conjunction with the making, altering, repairing, renovating or remaking of such articles other than hand embroidery or hand-drawn-thread work on articles made of linen or cotton or of mixed linen and cotton;

(a) S.R. & O. 1933/37 (1933, p. 2039).

(b) S.R. & O. 1920/711 (1920 II, p. 790).

5. The following processes if done by machine:—thread-drawing, thread-clipping, top-sewing, scalloping, nickelling and paring ;
6. Laundering, smoothing, folding, ornamenting, boxing, packing, warehousing, or other operations incidental to or appertaining to the making, altering, repairing, renovating or remaking of any of the above-mentioned articles ;

BUT EXCLUDING—

- A. The making of knitted articles ; the making of underclothing, socks and stockings, from knitted fabrics ; and the making from knitted fabrics of articles mentioned in paragraphs 1 and 2 above, where carried on in association with or in conjunction with the manufacture of the knitted fabrics ;
- B. The making of gloves, spats, gaiters, boots, shoes and slippers ;
- C. The making of headgear, other than the articles mentioned in paragraph 2 above ;
- D. The branches of trade covered by the Trade Boards (Corset) Order 1919(a) ;
- E. The making of rubberised or oilskin garments ;
- F. The making of women's collars and cuffs and of nurses' stiff washing belts where carried on in association with or in conjunction with the making of men's or boys' shirts or collars ;
- G. Warehousing, packing and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made on the premises."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 24th July 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) Order 1961 (Order W.D.S. (75)), as amended by the Wages Regulation (Dressmaking and Women's Light Clothing) (Scotland) (Amendment) Order 1962 (Order W.D.S. (77)), which Orders are revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/570 (1919 II, p. 509).

1964 No. 1043

DANGEROUS DRUGS

The Dangerous Drugs Regulations 1964

<i>Made - - - - -</i>	<i>6th July 1964</i>
<i>Laid before Parliament</i>	<i>14th July 1964</i>
<i>Coming into Operation</i>	<i>17th August 1964</i>

ARRANGEMENT OF REGULATIONS

PART I

CONTROL OF RAW OPIUM, &c.

Regulation

1. Application to drugs to which Part I of the Dangerous Drugs Act 1951 applies.
2. Supply, procuring and advertising of drugs.
3. Possession of drugs.
4. General authority for certain classes of persons to possess and supply drugs.
5. Keeping of register.

PART II

CONTROL OF SUBSTANCES, OTHER THAN CERTAIN EXCEPTED SUBSTANCES, SPECIFIED IN PART I OF SCHEDULE 1 TO THE DANGEROUS DRUGS ACT 1964

6. Application to substances specified in Part I of Schedule 1 to the Dangerous Drugs Act 1964, with certain exceptions.
7. Manufacture of drugs.
8. Supply, procuring and advertising of drugs and preparations.
9. Possession of drugs and preparations.
10. General authority for certain classes of persons to possess and supply drugs and preparations.
11. Prohibition on prescribing.
12. General authority for authorised sellers of poisons to manufacture preparations and retail drugs and preparations.
13. Special provisions in respect of owners and masters of ships, farmers and stockowners, and certified midwives.
14. Form of prescription.
15. Provisions as to supply on prescription.
16. Marking of packages and bottles.
17. Keeping of register or other records.
18. Exemption of certain prescriptions.

PART III**CONTROL OF SUBSTANCES SPECIFIED IN SCHEDULE 2****Regulation**

19. Application to substances specified in Schedule 2.
20. Manufacture of drugs.
21. Supply of drugs.
22. Possession of drugs.
23. Marking of packages and bottles.
24. Keeping of register.
25. Exemption in certain cases.

PART IV**GENERAL**

26. Definition of "drug".
27. Definition of "possession".
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SCHEDULE 5

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In pursuance of the powers conferred on me by section 3 of the Dangerous Drugs Act 1951(a) and section 9 of that Act as amended by section 1(2) of the Dangerous Drugs Act 1964(b), I hereby make the following Regulations :—

PART I

CONTROL OF RAW OPIUM, &C.

Application to drugs to which Part I of the Dangerous Drugs Act 1951 applies

1. This Part of these Regulations shall apply to any drug, resin or preparation, other than extract or tincture of cannabis, to which Part I of the Dangerous Drugs Act 1951 applies, and hereafter in this Part of these Regulations the expression "drug" means any such drug, resin or preparation as aforesaid.

Supply, procuring and advertising of drugs

2.—(1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Great Britain or elsewhere, or advertise for sale, a drug, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (a) A person shall not supply or procure, or offer to supply or procure, a drug to or for any person in Great Britain unless that person is generally authorised, or, under Regulation 3 of these Regulations, licensed or authorised as a member of a group to be in possession of the drug and the drug is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(b) A person shall not in Great Britain supply or procure, or offer to supply or procure, a drug to or for any person in Northern Ireland or the Isle of Man unless that person is entitled to be in possession of the drug and the drug is to be supplied or procured in accordance with the terms and conditions of that person's entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Ministry of Home Affairs for Northern Ireland or the Lieutenant-Governor of the Isle of Man, or entitled under any provision relating to the drug and in force in, as the case may be, Northern Ireland or the Isle of Man and "entitlement" shall be construed accordingly.

Possession of drugs

3. A person shall not be in possession of a drug unless he is generally so authorised or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

General authority for certain classes of persons to possess and supply drugs

4.—(1) Subject to the provisions of these Regulations a person who is a member of any of the following classes, that is to say :—

(a) duly qualified medical practitioners ;

- (b) registered veterinary surgeons and registered veterinary practitioners ;
- (c) authorised sellers of poisons ;
- (d) registered pharmaceutical chemists who are employed or engaged at a hospital, infirmary, health centre or dispensary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that or any other such institution ;
- (e) persons who are in charge of a laboratory used for the purposes of research or instruction and attached to—
 - (i) a university, university college or such a hospital or infirmary as aforesaid,
 - (ii) any other institution approved for the purposes of this Regulation by the Secretary of State ;
- (f) public analysts under and within the meaning of the Food and Drugs Act 1955(a) or, in Scotland, the Food and Drugs (Scotland) Act 1956(b) ;
- (g) persons acting as sampling officers under and within the meaning of the said Acts ;
- (h) persons duly appointed by the Pharmaceutical Society of Great Britain as inspectors under section 25 of the Pharmacy and Poisons Act 1933(c),

shall be authorised, so far as may be necessary for the practice or exercise of his said profession, function or employment, and in his capacity as a member of his said class, to be in possession of and to supply drugs.

(2) Every drug in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof shall, except when the necessities of the practice of the profession, function or employment, by virtue of which that person is authorised as aforesaid otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person authorised by virtue of this Regulation to be in possession of the drug.

Keeping of register

5. Every person generally authorised or licensed or authorised as a member of a group to supply any drugs shall comply with the following provisions, that is to say :—

- (a) he shall, in accordance with the provisions of this Regulation and Regulation 32 of these Regulations, keep a register and enter therein in chronological sequence in the form specified in, as the case may be, Part I or Part II of Schedule 1 to these Regulations, true particulars with respect to every quantity of any drug obtained by him and with respect to every quantity of any drug supplied by him whether to persons within or to persons outside Great Britain ;
- (b) he shall use a separate register or separate part of the register with respect to each of the following classes of drugs, that is to say :—
 - (i) raw opium,
 - (ii) coca leaves,
 - (iii) cannabis and cannabis resin and all preparations (other than extract and tincture of cannabis) of which cannabis resin forms the base.

PART II

CONTROL OF SUBSTANCES, OTHER THAN CERTAIN EXCEPTED SUBSTANCES,
SPECIFIED IN PART I OF SCHEDULE 1 TO THE DANGEROUS DRUGS ACT
1964

Application to substances specified in Part I of Schedule 1 to the Dangerous Drugs Act 1964, with certain exceptions

6.—(1) This Part of these Regulations shall apply to any substance for the time being specified in Part I of Schedule 1 to the Dangerous Drugs Act 1964, other than—

- (a) a substance specified in Schedule 2 to these Regulations (which specifies the substances to which Part III of these Regulations applies);
- (b) a preparation, admixture, extract or other substance specified in Schedule 3 to these Regulations; and
- (c) a preparation, admixture, extract or other substance excepted by section 1(5) or (6) of the Dangerous Drugs Act 1964, until the day appointed under section 1(4) of that Act, from the operation of Part III of the Dangerous Drugs Act 1951.

(2) In the following provisions of this Part of these Regulations the expression "drug" means any substance to which this Part of these Regulations applies other than a preparation as defined for the purpose of this Part of these Regulations in paragraph (3) of this Regulation.

(3) In this Part of these Regulations the expression "preparation" means any preparation, admixture, extract or other substance containing any proportion of a substance to which this Part of these Regulations applies.

Manufacture of drugs

7. A person shall not manufacture, or carry on any process in the manufacture of, a drug—

- (a) unless he is generally authorised, or licensed under this Regulation, so to do;
- (b) except on premises on which he is permitted by his general authority so to do, or on premises licensed for the purpose under this Regulation; nor
- (c) otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed, with the terms and conditions of his licence.

Supply, procuring and advertising of drugs and preparations

8.—(1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Great Britain or elsewhere, or advertise for sale, a drug or preparation, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (a) A person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Great Britain unless that person is generally authorised, or, under Regulation 9 of these Regulations, licensed or authorised as a member of a group to be in possession of the

drug or preparation and the drug or preparation is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority :

Provided that for the purposes of this sub-paragraph the administration of a drug or preparation—

- (i) by or under the direct personal supervision of, and in the presence of, a duly qualified medical practitioner,
- (ii) by or under the direct personal supervision of, and in the presence of, a registered dental practitioner in the course of dental treatment,
- (iii) by a sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions acting on the instructions of a duly qualified medical practitioner to a patient of that ward, theatre or department,
- (iv) by a certified midwife under and in accordance with Regulation 13(4) of these Regulations, or
- (v) by a person authorised as a member of a group to supply that drug or preparation acting under or in accordance with the terms and conditions of his group authority,

shall be deemed not to be the supplying of the drug or preparation.

(b) A person shall not in Great Britain supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Northern Ireland or the Isle of Man unless that person is entitled to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the terms and conditions of that person's entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Ministry of Home Affairs for Northern Ireland or the Lieutenant-Governor of the Isle of Man or entitled under any provision relating to the drug or preparation, and in force in, as the case may be, Northern Ireland or the Isle of Man, and "entitlement" shall be construed accordingly.

Possession of drugs and preparations

9.—(1) A person shall not be in possession of a drug or preparation unless he is generally so authorised, or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) For the purposes of these Regulations a person to whom a drug or preparation is lawfully supplied—

- (a) by a duly qualified medical practitioner or registered veterinary surgeon or registered veterinary practitioner ;
- (b) on a prescription lawfully given by a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon or registered veterinary practitioner,

shall be deemed to be a person generally authorised to be in possession of the drug or preparation so supplied :

Provided that a person supplied with a drug or preparation by, or upon a prescription given by, a medical practitioner shall be deemed not to be a person generally authorised to be in possession of the drug or preparation if—

- (i) he was then being supplied with a drug or preparation by, or on a prescription given by, another medical practitioner in the course of treatment, and did not disclose the fact to the first-mentioned medical practitioner before the supply by him or on his prescription, or
- (ii) he or any other person on his behalf made a declaration or statement for the purpose of obtaining the supply or prescription, and the declaration or statement was false in any particular.

General authority for certain classes of persons to possess and supply drugs and preparations

10.—(1) Subject to the provisions of these Regulations, a person who is a member of any of the following classes, that is to say:—

- (a) duly qualified medical practitioners ;
- (b) registered dental practitioners ;
- (c) registered veterinary surgeons and registered veterinary practitioners ;
- (d) registered pharmaceutical chemists who are employed or engaged at a hospital, infirmary, health centre or dispensary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that or any other such institution ;
- (e) sisters or acting sisters for the time being in charge of a ward, theatre or other department in such a hospital or infirmary as aforesaid ;
- (f) persons who are in charge of a laboratory used for the purposes of research or instruction and attached to—
 - (i) a university, university college or such a hospital or infirmary as aforesaid,
 - (ii) any other institution approved for the purposes of this Regulation by the Secretary of State ;
- (g) public analysts under and within the meaning of the Food and Drugs Act 1955 or, in Scotland, the Food and Drugs (Scotland) Act 1956 ;
- (h) persons acting as sampling officers under and within the meaning of the said Acts ;
- (i) persons duly appointed by the Pharmaceutical Society of Great Britain as inspectors under section 25 of the Pharmacy and Poisons Act 1933 ;
- (j) persons who are employed or engaged in connection with a scheme for testing the quality and amount of the drugs, preparations and appliances supplied under the National Health Service Act 1946(a) or the National Health Service (Scotland) Act 1947(b) and the Regulations made thereunder,

shall be authorised, so far as may be necessary for the practice or exercise of his said profession, function or employment, and in his capacity as a member of his said class, to be in possession of, and to supply, drugs and preparations :

Provided that nothing in this paragraph shall—

- (i) authorise a dental practitioner to supply drugs or preparations unless the drugs or preparations are administered by him, or under his direct supervision and in his presence, to persons receiving treatment by him, or
 - (ii) authorise a sister or acting sister in charge of a ward, theatre or other department in a hospital or infirmary to procure a drug or preparation except from a person employed or engaged in dispensing medicines at the hospital or infirmary and except upon a written order therefor signed by her, or to supply a drug or preparation except in accordance with the directions of a duly qualified medical practitioner in charge of any patients in the ward, theatre or other department, as the case may be.
- (2) A person who is not a registered pharmaceutical chemist but who—
- (a) not being the matron or acting matron thereof, was, on 31st December 1948, employed in a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions as sole or head dispenser of medicines ;
 - (b) was in the course of his said employment on the said date lawfully entitled to be in possession of, and to supply, drugs and preparations ;
 - (c) had on the said date had not less than three years' experience in such said employment during which he was lawfully entitled as aforesaid ; and
 - (d) is employed as sole or head dispenser of medicines in the same hospital or infirmary in which he was employed on the said date or in another such hospital or infirmary as aforesaid, in which, if he had been so employed therein on the said date, he would have been lawfully entitled to be in possession of, and to supply, drugs and preparations,

shall be authorised, so far as may be necessary for the practice or exercise of his said employment as sole or head dispenser, and in his capacity as such, to be in possession of, and to supply, drugs and preparations.

(3) The matron or acting matron of a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions in which no registered pharmaceutical chemist and no person authorised by virtue of paragraph (2) of this Regulation to be in possession of, and to supply, drugs and preparations, is employed or engaged in dispensing medicines, is hereby authorised, so far as may be necessary for the purposes of the hospital or infirmary, and in her capacity as matron or acting matron thereof, to be in possession of, and to supply, drugs and preparations :

Provided that nothing in this paragraph shall authorise a matron or acting matron of a hospital or infirmary to procure a drug or preparation except on an order signed by a duly qualified medical practitioner employed or engaged in the hospital or infirmary.

(4) Every drug or preparation in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof, shall, except when the necessities of the practice of the profession, function or employment by virtue of which that person is authorised as aforesaid otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person authorised by virtue of this Regulation to be in possession of the drug or preparation.

(5) A written order signed by a sister or acting sister in a hospital or infirmary in accordance with the requirements of proviso (ii) to paragraph (1) of this Regulation upon which she procures a drug or preparation shall be marked, in such manner as to show that it has been complied with, by the person employed or engaged in dispensing medicines who complies with the order, and shall be kept in the dispensary, and a copy or note thereof shall be kept by the sister or acting sister for the time being in charge of the ward, theatre or other department of the hospital or infirmary for use in which the drug or preparation was procured.

Prohibition on prescribing

11. Where a person whose general authority is withdrawn under Regulation 29(1) of these Regulations is a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon or a registered veterinary practitioner, the Secretary of State may, by notice given in the London Gazette and in the Edinburgh Gazette direct that it shall not be lawful for that person to give prescriptions prescribing a drug or preparation.

General authority for authorised sellers of poisons to manufacture preparations and retail drugs and preparations

12.—(1) An authorised seller of poisons shall be authorised—

(a) in the ordinary course of his retail business to manufacture at any premises registered by him under section 12 of the Pharmacy and Poisons Act 1933—

(i) any extract or tincture of cannabis, and

(ii) any preparation ;

(b) subject to the provisions of these Regulations, to carry on at any such premises the business of retailing, dispensing and compounding drugs and preparations ; and

(c) to supply drugs and preparations otherwise than by way of wholesale dealing :

Provided that nothing in this Regulation shall be construed as authorising any such person to be in possession of any drug or preparation except on premises registered under the said section 12.

(2) Every drug or preparation in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof shall be kept in a locked receptacle which can be opened only by him or by some assistant of his who is a registered pharmaceutical chemist and is not a person whose authority has been withdrawn under Regulation 29(1) of these Regulations.

Special provisions in respect of owners and masters of ships, farmers and stockowners, and certified midwives

13.—(1) (a) The owner of a ship, and the master of a ship which does not carry on board as part of her complement a duly qualified medical practitioner, are hereby authorised—

(i) so far as necessary for the purpose of compliance with the Merchant Shipping Acts, to be in possession of drugs and preparations, and

(ii) subject to and in accordance with any conditions imposed by the Secretary of State and any instructions issued by the Minister of Transport, to supply those drugs and preparations to members of the crew.

(b) Where a drug or preparation is supplied to a member of the crew of a ship, an entry in the official log book, or, in the case of a ship which is not required under the Merchant Shipping Acts to carry an official log book, a report signed by the master of the ship, shall notwithstanding anything in these Regulations be a sufficient record of the supply, if the entry or report specifies the drug or preparation supplied and, in the case of such a report as aforesaid, it is delivered as soon as may be to the superintendent of a mercantile marine office.

(c) Every drug or preparation in the possession of the master of a ship by virtue of this paragraph shall, except where the necessity of supplying it to a member of the crew otherwise requires, be kept in a locked receptacle, which can be opened only by the master.

(d) In this paragraph the expression—

“master” has the same meaning as in the Merchant Shipping Act 1894(a);

“mercantile marine office” means a mercantile marine office established and maintained under the Merchant Shipping Acts;

“the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1960; and

“official log book” means the official log book required to be kept under the Merchant Shipping Acts.

(2) (a) The master of a foreign ship which is in a port in Great Britain shall be authorised to procure such quantity of drugs and preparations as may be certified by the medical officer of health of the port health authority within whose jurisdiction the ship is or, in his absence, by the assistant medical officer of health, to be necessary for the equipment of the ship until it reaches its home port.

(b) A person who supplies a drug or preparation in accordance with a certificate given under this paragraph shall retain the certificate and mark it with the date on which the drug or preparation was supplied and keep it on his premises so as to be at all times available for inspection.

(3) A farmer or stockowner who has obtained for the purpose from the chief officer of police for the area in which he carries on business a certificate, which shall be valid only for the person and in respect of the premises named therein, in the form set out in Schedule 4 to these Regulations shall be authorised to be in possession of not more than thirty-two ounces at one time of tincture of opium, subject to the following conditions and requirements, that is to say:—

(a) the tincture may only be purchased from the person specified on the back of the said certificate;

(b) the said certificate must be produced to the person supplying the tincture on the occasion of each purchase;

(c) there must be entered on the back of the said certificate at the time of each purchase by the person supplying the tincture the date of the purchase and the quantity purchased, and the said person supplying the tincture must append his signature to the entry;

(d) the tincture shall be kept by the farmer or stockowner or his responsible manager under lock and key and may only be issued to responsible persons in his employment for the purpose of administration to animals;

- (e) each bottle or vessel containing the tincture shall be labelled with the words "For administration to animals only";
- (f) the tincture shall not be used for any purpose whatsoever except the treatment of animals;
- (g) the said certificate must be produced for inspection when required by any constable or by any person empowered for the purpose by the Secretary of State, and such particulars of the purchases of the tincture as may be required must be furnished to the Secretary of State;
- (h) if the farmer or stockowner ceases to carry on business at the address named in the said certificate, the certificate must be returned immediately to the chief officer of police for the area aforesaid; and
- (i) the said certificate may be revoked at any time by the chief officer of police by whom it was issued, or by the Secretary of State, and on revocation shall be surrendered to the said chief officer of police.

(4) (a) A certified midwife, who has in accordance with the provisions of the Midwives Act 1951(a), or the Midwives (Scotland) Act 1951(b), notified to the local supervising authority within the meaning of those Acts her intention to practise, is hereby authorised, so far as necessary for the practice of her profession or employment as a midwife, to be in possession of medicinal opium, tincture of opium and pethidine which she has procured upon furnishing to the supplier thereof a midwife's supply order bearing the signature of the appropriate medical officer of health, and to administer those drugs or preparations so far as is necessary as aforesaid, subject to the following conditions, that is to say:—

- (i) she shall not procure from a person supplying it an amount of a drug or preparation greater than that specified in the midwife's supply order which she furnishes to him;
 - (ii) she shall on each occasion on which a supply of the drug or preparation is procured enter in the drugs book (being a book kept by her and used solely for the purposes of this paragraph) the name of the drug or preparation obtained, the date, the name and address of the person supplying it, the amount supplied and the form in which it was obtained;
 - (iii) she shall, on administering a drug or preparation to any woman, as soon as practicable enter in the drugs book the name of the drug or preparation administered, the name and address of the woman to whom it was administered, the amount administered and the form in which it was administered, and the entry so made shall, notwithstanding any other requirement of these Regulations, be a sufficient record of the administration;
 - (iv) she shall, except when the necessities of the practice of her profession or employment as a midwife otherwise require, keep every drug or preparation in her possession in a locked receptacle which can be opened only by her.
- (b) A midwife in possession of a drug or preparation by virtue of this paragraph is hereby authorised to supply that drug or preparation to the appropriate medical officer of health by surrendering to him stocks thereof in her possession which are no longer required by her.

(c) In this paragraph, the expression—

"appropriate medical officer of health" means the medical officer of health of the local supervising authority within the meaning of the

(a) 14 & 15 Geo. 6. c. 53.

(b) 14 & 15 Geo. 6. c. 54.

Midwives Act 1951 or, as the case may be, of the Midwives (Scotland) Act 1951, for the district in which the supply of the drug or preparation is to be obtained or, for the purposes of sub-paragraph (b) of this paragraph, was obtained, or a person authorised in writing in that behalf by the said medical officer, being a person who is in the employment of the said authority and is—

- (i) for the purposes of sub-paragraph (a) of this paragraph, either a duly qualified medical practitioner or a person appointed or deemed to have been appointed under section 17 of the Midwives Act 1951 by the said authority to exercise supervision over certified midwives within their area, or, as the case may be, appointed or deemed to have been appointed in accordance with section 18 of the Midwives (Scotland) Act 1951 to exercise supervision over certified midwives practising within their area ;
- (ii) for the purposes of the said sub-paragraph (b), a duly qualified medical practitioner.

“midwife’s supply order” means an order in writing specifying the name of the midwife obtaining a supply of the drug or preparation, stating the fact that she is a midwife and giving the following particulars in regard to the drug or preparation to be procured, that is to say, its name, the purpose for which it is required and the total quantity to be procured or, when the drug or preparation is packed in ampoules, either the said total quantity or the total quantity intended to be administered or injected.

Form of prescription

14.—(1) A person by whom a prescription prescribing a drug or preparation is given shall comply with the following requirements, that is to say, the prescription shall—

- (a) be in writing and signed by the person giving it with his usual signature, and be dated by him ;
- (b) be in ink or otherwise so as to be indelible ;
- (c) except in the case of a health prescription, specify the address of the person giving it ;
- (d) specify the name and address of the person for whose treatment it is given or, if it is given by a registered veterinary surgeon or a registered veterinary practitioner, of the person to whom the article prescribed is to be delivered ;
- (e) have written thereon, if given by a registered dental practitioner, the words “For local dental treatment only” and, if given by a registered veterinary surgeon or a registered veterinary practitioner, the words “For animal treatment only” ;
- (f) if the preparation prescribed is a recognised preparation, or if all the preparations contained therein are recognised preparations, specify the total amount of the preparation or, as the case may be, of each preparation or, when the preparation is packed in ampoules, either specify as aforesaid, or specify the total amount of the preparation or, as the case may be, of each preparation, intended to be administered or injected ;
- (g) if the preparation prescribed is not a recognised preparation, specify the total amount of the drug to be supplied, or, when the preparation is packed in ampoules, either the said total amount or the total amount intended to be administered or injected.

In this paragraph the expression "recognised preparation" means a preparation contained in the British Pharmacopoeia, the British Pharmaceutical Codex or any formulary issued by the Minister of Health for the purposes of the National Health Service Act 1946 or, as the case may be, by the Secretary of State for the purposes of the National Health Service (Scotland) Act 1947.

(2) In the case of a prescription given for the treatment of a patient in a hospital or infirmary paragraph (1)(d) of this Regulation shall be deemed to have been complied with if the prescription is written on the patient's bed card or case sheet, and in such a case the initials of the person giving the prescription shall be deemed to be a sufficient signature for the purposes of paragraph (1)(a) of this Regulation.

Provisions as to supply on prescription

15.—(1) A person shall not supply a drug or preparation on a prescription—

- (a) unless the prescription complies with the provisions of these Regulations relating to prescriptions ;
- (b) unless he either is acquainted with the signature of the person by whom it purports to be given and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine ;
- (c) before the date specified in the prescription.

(2) If a prescription prescribing a drug or preparation expressly states that it may, subject to the lapse of an interval or intervals specified in the prescription be dispensed a second or third time, the drug or preparation thereby prescribed may, as the case may be, be supplied a second or third time after the specified interval or intervals but no more, but, subject as aforesaid, a prescription shall not for the purposes of these Regulations be taken as enabling the drug or preparation prescribed to be supplied more than once.

(3) A person dispensing a prescription prescribing a drug or preparation shall, at the time of dispensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or third time, the date of each occasion on which it is dispensed, and shall, unless it is a health prescription, retain and keep it on the premises where it is dispensed and so as to be at all times available for inspection.

Marking of packages and bottles

16.—(1) Subject to the provisions of this Regulation, no person shall—

- (a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein ; or
- (b) supply a preparation, unless the package or bottle in which it is contained is plainly marked—

(i) in the case of a powder, solution or ointment, with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution or ointment,

(ii) in the case of cachets, single dose injections, lozenges, suppositories, pills, tablets or other similar articles, with the amount of the drug in each article and the number of articles in the package or bottle.

(2) Nothing in this Regulation shall apply in a case where a preparation is lawfully supplied in accordance with this Part of these Regulations by, or on a prescription lawfully given by, a duly qualified medical practitioner.

Keeping of register or other records

17.—(1) Every person generally authorised, or licensed or authorised as a member of a group, to supply drugs or preparations, other than a sister or acting sister who is so generally authorised by virtue of Regulation 10(1)(e) of these Regulations, shall comply with the following provisions, that is to say:—

- (a) he shall, in accordance with the provisions of this Regulation and of Regulation 32 of these Regulations, keep a register and enter therein in chronological sequence in the form specified in, as the case may be, Part I or Part II of Schedule 1 to these Regulations true particulars with respect to every quantity of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him, whether to persons within or to persons outside Great Britain ;
- (b) he shall use a separate register or separate part of the register for entries made with respect to each of the substances for the time being specified in paragraph 1 of Part I of Schedule 1 to the Dangerous Drugs Act 1964^(a) or in paragraph 2, 4, 5, 6 or 7 thereof, and for this purpose each such substance shall be deemed to comprise its salts and any preparation, admixture, extract or other substance containing any proportion of it or its salts.

(2) (a) Nothing in paragraph (1) of this Regulation shall be construed as preventing the use of a separate section within a register or separate part of a register with respect to different drugs or preparations or strengths of preparations comprised within the class of drugs or preparations to which that register or separate part relates.

(b) So much of the said paragraph (1) as requires a person to enter in the register required to be kept under that paragraph particulars with respect to drugs or preparations supplied by him shall not apply to—

- (i) a duly qualified medical practitioner if he enters in a day book true particulars of every drug or preparation supplied by him to any person, together with the name and address of that person and the date of the supply, and enters in a separate book kept for the purposes of this Regulation a proper reference to each entry in the day book which relates to the supply of any drug or preparation ; or
- (ii) an authorised seller of poisons if he enters in a separate book kept for the purposes of this Regulation a proper reference to each entry in a Pharmacy Act book which relates to the supply of any drug or preparation,

and if, in either case, sub-paragraphs (c) and (d) of this paragraph are complied with.

(c) References in the said separate book must be made in chronological sequence and the book must be kept in separate parts relating respectively to the several classes of drugs and preparations specified in and under sub-paragraph (b) of the said paragraph (1) and shall not be used for any purpose other than the purposes of this paragraph.

(d) The entries in the said day book and in the said separate book shall be made on the day on which but for this paragraph an entry would under Regulation 32 of these Regulations have been required to be made in the said register, and sub-paragraph (c) of the said Regulation shall apply as

respects any such entry as aforesaid as if it were an entry in the said register.

(e) In this paragraph the expression "a proper reference" means a reference which is entered in the said separate book under the same date as that on which the entry in the said day book or in the Pharmacy Act book was made and is otherwise such as to enable that entry to be easily identified.

(3) Where a duly qualified medical practitioner, registered dental practitioner, registered veterinary surgeon or registered veterinary practitioner obtains or supplies any drug or preparation packed in ampoules, he shall be deemed to have complied with the requirements—

(a) of paragraph (1) of this Regulation in regard to entry in the register required to be kept under the said paragraph of true particulars with respect to every quantity of every drug or preparation obtained or supplied, or

(b) in the case of a medical practitioner supplying drugs or preparations to any person, of paragraph (2) of this Regulation in regard to entry in the day book referred to in the said paragraph of particulars of any drug or preparation supplied by him,

if he enters as the amount which he has obtained, or, as the case may be, supplied, true particulars as to either the total quantity of the drug or preparation or the total quantity thereof intended to be administered or injected.

(4) Every separate book kept under paragraph (2) of this Regulation, every day book in which any entry is made under the said paragraph (2) and every Pharmacy Act book containing an entry which is referred to in such a separate book as aforesaid shall be kept on the premises to which the register or book relates, or, in the case of a book referring to a prescription, where the prescription was dispensed, and so as to be at all times available for inspection.

(5) For the purposes of the preceding paragraphs of this Regulation a drug or preparation administered by, or under the direct supervision and in the presence of, a duly qualified medical practitioner or registered dental practitioner shall be deemed not to have been supplied by him.

Exemption of certain prescriptions

18. Nothing in this Part of these Regulations shall apply to any prescription issued for the purposes of a scheme for testing the quality and amount of the drugs, preparations and appliances supplied under the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947 and the Regulations made thereunder or to any prescription issued for the purposes of the Food and Drugs Act 1955(a) or, in Scotland, the Food and Drugs (Scotland) Act 1956(b) to a sampling officer under and within the meaning of those Acts.

PART III

CONTROL OF SUBSTANCES SPECIFIED IN SCHEDULE 2

Application to substances specified in Schedule 2

19. This Part of these Regulations shall apply to the substances specified in Schedule 2 to these Regulations, and hereafter in this Part of these Regulations the expression "drug" means any such substance as aforesaid.

(a) 4 & 5 Eliz. 2. c. 16.

(b) 4 & 5 Eliz. 2. c. 30.

Manufacture of drugs

20. No person shall manufacture, or carry on any process in the manufacture of, a drug—

- (a) unless he is licensed under this Regulation so to do ; nor
- (b) otherwise than in accordance with the terms and conditions of his licence.

Supply of drugs

21. Subject to the provisions of this Part of these Regulations, a wholesale dealer shall not supply a drug to any person, whether in Great Britain or elsewhere—

- (a) unless he is licensed under this Regulation so to do ;
- (b) otherwise than in accordance with the terms and conditions of his licence ; or
- (c) if the drug is to be supplied in any one transaction in a quantity exceeding five hundred grammes, unless the person to whom it is to be supplied is licensed under Regulation 22 of these Regulations to be in possession of more than five hundred grammes of the drug.

Possession of drugs

22. A person shall not be in possession of a drug in a quantity exceeding five hundred grammes unless he is licensed under this Regulation.

Marking of packages and bottles

23. No wholesale dealer licensed under these Regulations to supply a drug shall supply the drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein.

Keeping of register

24. Every wholesale dealer licensed under these Regulations to supply a drug shall comply with the following provisions, that is to say :—

- (a) he shall in accordance with the provisions of this Regulation and Regulation 32 of these Regulations keep a register and enter therein in chronological sequence in the form specified in, as the case may be, Part I or Part II of Schedule 1 to these Regulations true particulars with respect to every quantity of any drug obtained by him and with respect to every quantity of any drug supplied by him, whether to persons within or to persons outside Great Britain ;
- (b) a separate register or separate part of the register shall be used with respect to each of the classes of drugs specified in Schedule 2 to these Regulations, and for this purpose the drugs comprised in each paragraph of the said Schedule shall constitute a class.

Exemption in certain cases

25. Nothing in this Part of these Regulations shall apply to any sale or distribution of any drug by a person other than a wholesale dealer and an authorised seller of poisons shall be authorised to carry on at any premises registered by him under section 12 of the Pharmacy and Poisons Act 1933 the business of retailing, dispensing and compounding any drug.

PART IV

GENERAL

Definition of "drug"

26. In this Part of these Regulations the expression "drug" means a drug to which Part I of these Regulations or a substance to which Part II or Part III of these Regulations applies.

Definition of "possession"

27. For the purposes of these Regulations a person shall be deemed to be in possession of a drug if it is in his actual custody or is held by some other person subject to his control or for him and on his behalf.

Supply otherwise than on prescription

28.—(1) Where a drug, other than a substance to which Part III of these Regulations applies, is to be lawfully supplied to any person (hereafter in this Regulation referred to as "the recipient") otherwise than by, or on a prescription given by, a duly qualified medical practitioner, the person supplying the drug (hereafter in this Regulation referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient unless that person either—

- (a) is generally authorised, or licensed or authorised as a member of a group, to be in possession of that drug; or
- (b) produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive the drug in question on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a drug is lawfully delivered in the circumstances mentioned in paragraph (1) of this Regulation shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable delivery to the recipient to be effected.

Withdrawal of authority

29.—(1) If any person generally authorised has been convicted of an offence against the Dangerous Drugs Act 1951 or of an offence against section 45, 56 or 304 of the Customs and Excise Act 1952(a) in respect of goods being a drug, or of attempting to commit any such offence or of soliciting, inciting, aiding or abetting any other person to commit any such offence, or, except in the case of an authorised seller of poisons, is a person detained in hospital under any provision of the Mental Health Act 1959(b) or the Mental Health (Scotland) Act 1960(c) the Secretary of State may, if he is of opinion that that person cannot properly be allowed to remain an authorised person, by notice in the London Gazette and the Edinburgh Gazette, withdraw the authority of that person:

Provided that in the case of an authorised seller of poisons the Secretary of State shall, before withdrawing his authority, consult the Council of the Pharmaceutical Society of Great Britain.

(2) Where the general authority of any person has been withdrawn under these Regulations the Secretary of State may at any time restore it, or may suspend the withdrawal, and, while the withdrawal is so suspended, that person shall be an authorised person in the same manner as if the authority

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

(c) 8 & 9 Eliz. 2. c. 61.

(b) 7 & 8 Eliz. 2. c. 72.

had never been withdrawn so, however, that the Secretary of State may at any time cancel the suspension.

Withdrawal of authority in Northern Ireland

30. Where any person, being a member of any class of person specified in Regulation 4 or Regulation 10 of these Regulations, or being a person of a description so specified, and having been entitled to be lawfully in possession of, or to supply, a drug in Northern Ireland by virtue of any provision having effect in Northern Ireland and corresponding to any provision in the said Regulation 4 or the said Regulation 10, and having had his said entitlement withdrawn, is no longer a person lawfully entitled as aforesaid in Northern Ireland, then that person shall not, notwithstanding anything in the said Regulation 4 or the said Regulation 10, be authorised to be in possession of or to supply a drug.

Consignment between places outside Great Britain

31.—(1) If any drugs, other than drugs to which Part III of these Regulations applies, permitted under the law of any country outside Great Britain to be exported therefrom to any destination outside Great Britain are brought into Great Britain, no person shall, unless he is licensed under this Regulation nor otherwise than in accordance with the terms and conditions of his licence cause or procure those drugs to be diverted to any other destination.

(2) For the purposes of this Regulation the destination to which any drugs are permitted to be exported shall be taken to be the destination stated in the permission for the export thereof from the country of export.

Requirements as to registers

32. The following requirements shall be complied with by any person required to keep a register under, as the case may be, Regulation 5, 17 or 24 of these Regulations, that is to say:—

- (a) the class of drugs to which the entries on any page of any such register as aforesaid relate shall be specified at the head of that page;
- (b) every entry required to be made under the said Regulations in such register shall be made on the day on which the drug is received or, as the case may be, on which the transaction with respect to the supply of the drug by the person required to make the entry takes place, or if that is not reasonably practicable, on the day next following the said day;
- (c) no cancellation, obliteration or alteration of any such entry shall be made, and every correction of such an entry shall be made only by way of a marginal note or footnote which shall specify the date on which the correction is made;
- (d) every entry required to be made as aforesaid in every such register and every correction of such an entry shall be made in ink or otherwise so as to be indelible;
- (e) such a register shall not be used for any purpose other than the purposes of these Regulations;
- (f) the person required as aforesaid to keep such a register shall on demand made by the Secretary of State or by any person empowered in writing by the Secretary of State in that behalf—

(i) furnish such particulars as may be required with respect to the obtaining or supplying by him of any drug, or with respect to any stock of drugs in his possession,

- (ii) for the purpose of confirming any such particulars as aforesaid, produce any stock of drugs in his possession, and
 - (iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs as may be required ;
- (g) a separate register shall be kept in respect of each set of premises at which the person required to keep the register carries on business, but save as aforesaid not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register or part of a register, so, however, that a separate register may, with the approval of the Secretary of State, be kept in respect of each department of the business carried on by him ;
- (h) every such register shall be kept at the premises to which it relates and so as to be at all times available for inspection.

Preservation of documents

33.—(1) All registers, records, books, prescriptions (other than health prescriptions) and other documents which are kept, issued or made in pursuance of the requirements, or for the purposes, of these Regulations shall be preserved, in the case of a register, book or other like record, for a period of two years from the date on which the last entry therein is made, and in the case of any other document, for a period of two years from the date on which it is issued or made.

(2) Every signed order given for the purposes of Rule 8(3) of the Poisons Rules 1964(a) for a drug shall be preserved for a period of two years from the date on which the last delivery under the order was made.

Exemption of Crown servants, constables and carriers

34. Nothing in these Regulations as respects the possession of a drug shall apply to—

- (a) a servant of Her Majesty or constable acting in the course of his duty as such ; or
- (b) a person carrying on the business of a carrier, or to any servant of such a person, acting in the course of that business.

Agents acting in the transfer of business and stock-in-trade

35. For the purposes of these Regulations a person shall not be treated as procuring or offering to procure a drug for any person by reason only that he, in the course of his business, as agent for another, offers for transfer, or acts in the transfer of, a business and stock-in-trade therewith which comprises a drug.

Construction of licence or authority

36. For the purposes of these Regulations, but subject in each case to the express terms of the Regulation by which he is generally authorised, or, as the case may be, to any limitation attached to his licence or group authority—

- (a) a person generally authorised, or licensed, to manufacture a drug shall be deemed to be generally authorised or, as the case may be, licensed to supply that drug ;

- (b) a person generally authorised, or licensed or authorised as a member of a group, to supply a drug, other than a drug to which Part III of these Regulations applies, shall be deemed to be generally authorised, or, as the case may be, licensed or authorised as a member of a group to be in possession of, to procure, to offer to supply or procure, and to advertise for sale, that drug ; and
- (c) a wholesale dealer licensed to supply a drug to which Part III of these Regulations applies shall be deemed to be a person duly licensed under Regulation 22 of these Regulations to be in possession of more than five hundred grammes of the drug.

Revocation of licence or group authority

37. Any licence or group authority given under these Regulations may be revoked by the Secretary of State at any time.

Metric system and imperial system

38.—(1) For the purposes of these Regulations :—

- (a) a drug shall not be regarded as supplied or procured otherwise than on a prescription or other order by reason only that the prescription or order specifies a quantity of the drug in terms of the imperial system and the quantity supplied or procured is the equivalent of that amount in the metric system or by reason only that the prescription or order specifies a quantity of the drug in terms of the metric system and the quantity supplied or procured is the equivalent of that amount in the imperial system ;
- (b) where any person is authorised to procure or to be in possession of a quantity of a drug determined by or under these Regulations he shall be deemed not to procure or be in possession of a quantity of that drug in excess of the first mentioned quantity by reason only that he procures or is in possession of a quantity of that drug which is the equivalent of the said first mentioned quantity in, in the case of the imperial system, the metric system, or, in the case of the metric system, the imperial system.

(2) For the purposes of this Regulation the quantity of a drug in the imperial system which is the equivalent of a particular quantity in the metric system, and the quantity of a drug in the metric system which is the equivalent of a particular quantity in the imperial system shall be taken to be that set out as such in the table of equivalent quantities set out in the Schedule to the Weights and Measures (Equivalents for dealings with drugs) Regulations 1964(a).

Interpretation

39.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

“authorised as a member of a group” means authorised by virtue of being a member of a class as respects which the Secretary of State has granted an authority under and for the purposes of Regulation 2, 3, 8 or 9 of these Regulations which is in force, “group authority” means such an authority so granted, and “his group authority”, in relation to a person who is a member of such a class, means the authority so granted to that class ;

“ authorised seller of poisons ” means an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933(a) ;

“ chief officer of police ” means in relation to—

- (i) the City of London, the Commissioner of Police for the City of London,
- (ii) the metropolitan police district, the Commissioner of Police of the Metropolis,
- (iii) any other area for which a separate police force is maintained, the Chief Constable or other officer by whatever name called, having the chief command of that police force ;

“ duly qualified medical practitioner ” means a fully registered person within the meaning of the Medical Act 1956(b) ;

“ generally authorised ”, in relation to any person, means authorised by, as the case may be, Regulation 4 10, 12 or 13 of these Regulations by virtue of being a member of a class specified in that Regulation, or of being a person of a description so specified, and “ general authority ” means the authority possessed by a person as aforesaid ;

“ health prescription ” means a prescription given by a fully registered medical practitioner or registered dental practitioner under and in accordance with the National Health Service Act 1946(c), the National Health Service (Scotland) Act 1947(d), the Health Services Act (Northern Ireland) 1948(e) or the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald) or given by a duly qualified medical practitioner or registered dental practitioner upon a form issued by a local authority for use in connection with the health service of that authority ;

“ licensed ” means duly licensed by a licence issued by the Secretary of State to the person named therein, or, as the case may be, in respect of premises named therein, under and for the purposes of Regulation 2, 3, 7, 8, 9, 20, 21, 22 or 31 of these Regulations, and “ licence ” and “ licensed premises ” shall be construed accordingly ;

“ Pharmacy Act book ” means either of the books required to be kept by section 18(2) and section 19(3) of the Pharmacy and Poisons Act 1933 ;

“ prescription ” means a prescription for a single individual given by a duly qualified medical practitioner for the purposes of medical treatment, by a registered dental practitioner for the purposes of dental treatment or by a registered veterinary surgeon or a registered veterinary practitioner for the purposes of animal treatment ;

“ register ” means a bound book and does not include any form of loose leaf register or card index ;

“ registered dental practitioner ” means a person registered in the dentists register under the Dentists Act 1957(f) ;

“ registered pharmaceutical chemist ” means a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852(g) and maintained in pursuance of section 2(1) of the Pharmacy Act 1954(h) ;

(a) 23 & 24 Geo. 5. c. 25.

(c) 9 & 10 Geo. 6. c. 81.

(e) 1948 c. 3 (N.I.).

(g) 15 & 16 Vict. c. 56.

(b) 4 & 5 Eliz. 2. c. 76.

(d) 10 & 11 Geo. 6. c. 27.

(f) 5 & 6 Eliz. 2. c. 28.

(h) 2 & 3 Eliz. 2. c. 61.

“registered premises” means premises duly registered under Part I of the Pharmacy and Poisons Act 1933 ;

“registered veterinary practitioner” means a person registered in the supplementary veterinary register in pursuance of the Veterinary Surgeons Act 1948(a) ;

“registered veterinary surgeon” means a person registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act 1881(b) ;

“retail business” means the business of retailing, dispensing or compounding drugs carried on at a shop ;

“wholesale dealer” means a person who carries on the business of selling drugs to persons who buy to sell again, and “wholesale dealing” shall be construed accordingly.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Regulations revoked by these Regulations were Acts of Parliament.

Revocation

40.—(1) The Regulations specified in Schedule 5 to these Regulations are hereby revoked.

(2) Nothing in paragraph (1) of this Regulation shall render invalid any licence, authority, certificate or order issued, granted or given, or other thing done, under the Dangerous Drugs Act 1951(d) or any Regulations revoked by these Regulations, and any such licence, authority, certificate, order or thing which could have been issued, granted, given or done under any provision in these Regulations and in force at the date when these Regulations come into operation shall be deemed to have been issued, granted, given or done under that provision.

(3) Any register, record, book, prescription or other document which is required to be kept under any Regulation revoked by these Regulations shall be kept in the same manner and for the same period, and every person shall be subject to the same requirements in regard thereto, as if these Regulations had not been made.

Extent

41. These Regulations shall not extend to Northern Ireland.

Citation and commencement

42. These Regulations may be cited as the Dangerous Drugs Regulations 1964, and shall come into operation on 17th August 1964.

Henry Brooke,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
6th July 1964.

(a) 11 & 12 Geo. 6. c. 52.
(c) 52 & 53 Vict. c. 63.

(b) 44 & 45 Vict. c. 62.
(d) 14 & 15 Geo. 6. c. 48.

Regulations 5, 17 and 24.

SCHEDULE 1

FORM OF REGISTER

PART I

Entries to be made in case of obtaining

Date on which supply received	Name	Address	Amount obtained	Form in which obtained
	of person or firm from whom obtained			

PART II

Entries to be made in case of supply

Date on which the transaction was effected	Name	Address	Particulars as to licence or authority of person or firm supplied to be in possession	Amount supplied	Form in which supplied
	of person or firm supplied				

Regulations 6, 19 and 24.

SCHEDULE 2

SUBSTANCES TO WHICH PART III OF THESE REGULATIONS APPLIES AND CLASSES THEREOF FOR THE PURPOSES OF THE REGISTER REQUIRED TO BE KEPT UNDER REGULATION 24

The substances to which Part III of these Regulations applies are as follows, that is to say:—

- (a) methylmorphine (also known as codeine) and its salts ;
- (b) ethylmorphine (also known as dionin) and its salts ;
- (c) pholcodine (also known as morpholinylethylmorphine) and its salts ;
- (d) dihydrocodeine and its salts ;
- (e) acetyldihydrocodeine and its salts ;
- (f) propoxyphene and its salts ;
- (g) nicocodine and its salts.

SCHEDULE 3

Regulation 6.

SUBSTANCES INCLUDED IN PART I OF SCHEDULE 1 TO THE DANGEROUS DRUGS ACT 1964 TO WHICH PART II OF THESE REGULATIONS DOES NOT APPLY

- Pilulae Ipecacuanhae cum Scilla, B.P.C. 1934.
- Pilulae Hydrargyri cum Creta et Opii, B.P.C. 1949
- Powder of Chalk with Opium, Aromatic, B.P.C. 1963
- Suppositorium Plumbi cum Opio, B.P.C. 1949
- Eye-drops of Cocaine and Mercuric Chloride, Oily, B.P.C. 1959
- Pulvis Ipecacuanhae et Opii Compositus (10 per cent. opium in powder, 10 per cent. Ipecacuanha root in powder, well mixed with 80 per cent. of any other powdered ingredient containing no substance for the time being specified in Part I of Schedule 1 to the Dangerous Drugs Act 1964) whether or not mixed with any of the following:—
 - Hydrargyrum cum Creta, B.P. 1914
 - Mercury with Chalk, B.P.C. 1954
 - Acetylsalicylic Acid
 - Phenacetin
 - Quinine and its salts
 - Sodium Bicarbonate
- Any preparation, admixture, extract or other substance containing any proportion of any substance specified in Schedule 2 to these Regulations.

SCHEDULE 4

Regulation 13(3).

FORM OF CERTIFICATE

DANGEROUS DRUGS ACT 1951

Certificate authorising a Farmer or Stockowner to purchase Tincture of Opium, B.P. commonly known as Laudanum for administration to Animals

I hereby certify that*.....
of

is a person carrying on the business of a farmer or stockowner and is authorised in pursuance of Regulation 13(3) of the Dangerous Drugs Regulations 1964 to be in possession of not more than 32 ozs. at any one time of tincture of opium, B.P. commonly known as laudanum.

Signed on behalf of the chief officer of police.

.....
..... Rank
..... Police Force

Date

* Insert full name and address.

NOTICE

- (a) The tincture of opium may only be purchased from the person named on the back hereof ;
- (b) this certificate must be produced to the person supplying the tincture on the occasion of each purchase ;

- (c) the person supplying the tincture must at the time of purchase enter on the back hereof the date of purchase and the quantity purchased and must append his signature thereto ;
- (d) the tincture must be kept by the farmer or stockowner or his responsible manager under lock and key and may only be issued to responsible persons in his employment and only for the purpose of administration to animals ;
- (e) each bottle or vessel containing the tincture must be labelled with the words " For administration to animals only " ;
- (f) the tincture must not be used for any purpose whatsoever except the treatment of animals ;
- (g) this certificate must be produced for inspection when required by any constable or by any person empowered for the purpose by the Secretary of State, and such particulars of the purchase of the tincture as may be required must be furnished to the Secretary of State ;
- (h) his certificate is only valid for the person and in respect of the address named herein. If that person ceases to carry on business at the address named herein he must return the certificate immediately to the chief officer of police, and if a certificate is desired in respect of another address he must apply for another certificate ;
- (i) this certificate continues in force until revoked by the chief officer of police or by the Secretary of State, and on revocation must be returned to the chief officer of police.

BACK OF FORM

Name and address of person from whom the holder intends to purchase

TINCTURE OF OPIUM

(To be filled in by the holder)

Name (in full)

Address

(To be filled in by the supplier on the occasion of any purchase by the holder)

Date of Purchase	Quantity Purchased	Signature of Supplier

NOTICE

- (a) When this certificate is filled up, the holder should return it to the chief officer of police and make application for a new one.
- (b) If the holder desires to change the chemist from whom he purchases, he must surrender this certificate to the chief officer of police so that a new one may be issued in its stead.

SCHEDULE 5

Regulation 40(1).

REGULATIONS REVOKED

Regulations	References
The Dangerous Drugs Regulations 1953.	S.I. 1953/499 (1953 I, p. 540).
The Dangerous Drugs Regulations 1957.	S.I. 1957/704 (1957 I, p. 609).
The Dangerous Drugs Regulations 1961.	S.I. 1961/277 (1961 I, p. 475).
The Dangerous Drugs Regulations 1962.	S.I. 1962/2650 (1962 III, p. 3606).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate with amendments the Regulations specified in Schedule 5. Certain of the amendments are consequential upon the passing of the Dangerous Drugs Act 1964; in particular, reference is now made in Regulations 6(1) and 17(1) to the drugs specified in Part I of Schedule 1 to that Act (that is to say, the drugs to which Part III of the Dangerous Drugs Act 1951, as amended by the Act of 1964, applies) and, following the Act of 1964, the name "Cannabis" is substituted for "Indian Hemp". Of the other amendments the principal are as follows. New provision is made (a) in Regulation 9(2), to secure that a person who obtains a prescription for a drug by means of a false statement does not become authorised to be in possession of that drug; (b) in Regulation 13(1), to require the master of a ship in possession of drugs under the Regulation to keep them in a locked receptacle; (c) in Regulation 13(4), to authorise a midwife in possession of certain drugs under that Regulation to surrender her stocks thereof to the medical officer of health; (d) in Regulation 14(1), to require a written prescription given for a drug to be indelible; (e) in Regulation 17(2), to make clear that the separate register or part of a register kept under that Regulation for each specified class of drug may be kept in separate sections for different drugs and preparations within that class; and (f) in Regulation 38, regarding the equivalency of the metric and imperial systems.

1964 No. 1045 (C. 13)

SHOPS AND OFFICES

**The Offices, Shops and Railway Premises Act 1963
(Commencement No. 2) Order 1964**

Made - - - - 7th July 1964

The Minister of Labour by virtue of the powers conferred on him by section 91(2) of the Offices, Shops and Railway Premises Act 1963^(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. Except as provided by Article 2 of this Order—

(a) the following provisions (which relate to first aid) of the Act shall come into operation on 1st December 1964, that is to say—

sections 24(1) to (3), (7) and (9), 25 and 26 ;

section 83(1) (so far as it relates to the above-mentioned provisions of section 24) and (2) ; and

(b) the following provisions (which also relate to first aid) of the Act shall come into operation on 1st September 1965, that is to say—

section 24(4) to (6) and (8) ;

section 83(1) (except as already in operation).

2. Nothing in this Order shall apply in relation to premises which are in a covered market place, being a covered market place to which section 51 (power to adapt Act in relation to covered markets) of the Act relates.

3. This Order may be cited as the Offices, Shops and Railway Premises Act 1963 (Commencement No. 2) Order 1964.

Dated 7th July 1964.

Joseph Godber,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into operation, except in relation to premises in covered market places, the provisions of sections 24 to 26 (first aid) and parts of section 83 (first aid: application to the Crown) of the Offices, Shops and Railway Premises Act 1963.

1st September 1965 is appointed for the coming into operation of those parts of the said provisions which relate to the requirement that, in the case of certain premises to which the said Act applies, a first-aid box or cupboard must be in the charge of a person trained in first-aid treatment and 1st December 1964 is appointed for the coming into operation of the remainder of the said provisions relating to first aid.

(a) 1963 c. 41.

 STATUTORY INSTRUMENTS

1964 No. 1046

WAGES COUNCILS

**The Wages Regulation (Retail Bread and Flour
Confectionery) (Scotland) Order 1964**

Made - - - - - 7th July 1964
Coming into Operation 10th August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bread and Flour Confectionery Trade Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 10th August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1962(c), shall cease to have effect.

Dated 7th July 1964.

Joseph Godber,
 Minister of Labour.

 (a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1962/2652 (1962 III, p. 3607).

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1962^(a) (hereinafter referred to as "Order B.F.C.S. (14)").

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 7, 8, 12 and 13, the minimum remuneration for workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4 and 5:

(a) S.I. 1962/2652 (1962 III, p. 3607).

Provided that any increase in remuneration payable under the provisions of paragraph 4 or 5 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

MANAGERS AND MANAGERESSES

2. The minimum remuneration for managers and manageresses shall be the amount appearing in Column 2 of the following table against the amount of weekly trade shown in Column 1 of the said table:—

Column 1						Column 2			
						Manageresses		Managers	
Weekly trade						Area 1	Area 2	Area 1	Area 2
						per week s. d.	per week s. d.	per week s. d.	per week s. d.
Under £50	...	...	...	...	...	157 0	153 0	201 0	193 0
£50 and under	£60	...	...	...	...	159 0	155 0	201 0	193 0
£60	"	£70	...	...	...	161 0	157 0	201 0	193 0
£70	"	"	£80	...	...	163 0	159 0	201 0	193 0
£80	"	"	£90	...	...	166 0	162 0	201 0	193 0
£90	"	"	£100	...	...	168 0	164 0	201 0	193 0
£100	"	"	£110	...	...	169 6	165 6	201 0	193 0
£110	"	"	£120	...	...	173 0	169 0	202 0	194 0
£120	"	"	£130	...	...	175 0	171 0	204 0	196 0
£130	"	"	£140	...	...	177 0	173 0	206 0	198 0
£140	"	"	£150	...	...	178 0	174 0	208 0	200 0
£150	"	"	£160	...	...	181 0	177 0	211 6	203 6
£160	"	"	£170	...	...	182 0	178 0	213 6	205 6
£170	"	"	£180	...	...	184 0	180 0	214 6	206 6
£180	"	"	£190	...	...	185 6	181 6	215 6	207 6
£190	"	"	£200	...	...	186 6	182 6	216 6	208 6
£200	...	...	...	...	...	188 6	184 6	217 6	209 6

For Managers and Manageresses employed in shops with a weekly trade in excess of £200 per week there shall be added to the above amounts of remuneration for Managers and Manageresses employed in shops with a weekly trade of £200, one shilling for each additional complete £10 of weekly trade above £200 per week up to £350 per week and thereafter a further one shilling for every additional complete £20 of weekly trade.

For the purposes of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

- (1) for the 26 pay weeks beginning with the fifth pay week following the last Saturday in February in any year, or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the last Saturday in February in that year;
- (2) for the 26 pay weeks in any year immediately following (hereinafter called the "second period"), or for any part thereof, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts in respect of goods sold at that shop during the 52 weeks immediately preceding the last Saturday in August of the same year as that in which the second period begins:

Provided that, so long as a shop has been under management for less than 52 weeks immediately preceding the last Saturday in February in any year or the last Saturday in August in any year, as the case may be, the weekly trade of that shop, for the purpose of calculating the weekly minimum remuneration payable in any pay week under the foregoing table, shall until such period of 52 weeks has elapsed be the amount of the total receipts for goods sold at that shop in the week immediately preceding such pay week and for the purpose of calculating such weekly minimum remuneration as aforesaid payable in respect of each of the first two pay weeks during which a shop is under management the weekly trade of that shop shall be the amount of the total receipts in respect of goods sold thereat in the first week during which the shop is under management.

TEMPORARY MANAGERS AND TEMPORARY MANAGERESSES

3.—(1) The minimum remuneration for temporary managers and temporary manageresses shall be—

(a) during the first two weeks of employment as such—the appropriate minimum remuneration for a manager or manageress, as the case may be, employed in a shop with a weekly trade of under £50 ; and

(b) thereafter—the appropriate minimum remuneration for a manager or manageress, as the case may be, at the shop in which the worker is employed.

(2) For the purposes of this paragraph where a worker commences a period of employment as a temporary manager or temporary manageress within six months of the termination of such a period of employment at the same shop, the two periods of employment shall be treated as continuous.

WORKERS OTHER THAN MANAGERS, MANAGERESSES, TEMPORARY MANAGERS, TEMPORARY MANAGERESSES, TRANSPORT WORKERS AND VAN SALESMEN

4. The minimum remuneration for workers of the classes specified in Column 1 of the following table, employed in Area 1 or Area 2, as the case may be, shall be the appropriate amount set out in Column 2:—

Column 1	Column 2			
	Male Workers		Female Workers	
	Area 1	Area 2	Area 1	Area 2
	per week s. d.	per week s. d.	per week s. d.	per week s. d.
Workers other than Managers, Manageresses, Temporary Managers, Temporary Manageresses, Transport Workers and Van Salesmen—				
Aged 15 and under 16 years	81 6	76 0	68 0	65 0
" 16 .. " 17	89 0	83 6	73 0	69 0
" 17 .. " 18	94 0	88 6	78 0	74 0
" 18 .. " 19	113 0	105 0	90 6	85 6
" 19 .. " 20	126 6	116 6	95 6	89 6
" 20 .. " 21	137 6	127 6	105 6	99 6
" 21 .. " 22	163 6	152 6	121 6	115 6
" 22 years or over	185 0	173 0	137 6	130 6

TRANSPORT WORKERS AND VAN SALESMEN

5. The minimum remuneration for transport workers and van salesmen employed in Area 1 or Area 2, as the case may be, shall be the appropriate amount set out in Column 3 of the table below:—

Column 1 Age of Worker	Column 2 Vehicle with carrying capacity of	Column 3	
		Area 1	Area 2
Transport Worker:—		per week	per week
21 years or over	} 1 ton or less	s. d. 194 0	s. d. 184 0
20 and under 21 years		163 0	158 0
19 " " 20 " "		151 0	146 0
18 " " 19 " "		136 6	132 6
Under 18 years		120 6	118 6
All ages	Over 1 ton	199 6	189 6
Van Salesmen:—			
Female Van Salesmen, all ages	10 cwt. or less	157 0	148 0
All other Van Salesmen, all ages	—	203 0	193 0

WORKERS WHO WORK IN TWO AREAS

6. The minimum remuneration applicable to a transport worker or to a van salesman in any week in which he works in two areas shall be the remuneration which would be applicable if the worker worked solely at the bakery or depot from which he operates.

MINIMUM OVERTIME RATES

7. Overtime rates shall be payable to workers to whom this Schedule applies as follows:—

- (1) For work on a Sunday—
 - (a) where time worked does not exceed 4 hours double time for 4 hours
 - (b) where time worked exceeds 4 hours—
for all time worked double time
- (2) In the case of workers other than transport workers or van salesmen—for all time worked in excess of 44 hours in any week time-and-a-half
- (3) In the case of transport workers—
 - (a) for the first 6 hours worked in excess of 44 hours in any week time-and-a-quarter
 - (b) thereafter time-and-a-half
- (4) In the case of van salesmen—
 - (a) for the first 6 hours worked in excess of 46 hours in any week time-and-a-quarter
 - (b) thereafter time-and-a-half

Provided that—

- (i) the periods of 44 hours specified in sub-paragraphs (2) and (3) and 46 hours specified in sub-paragraph (4) of this paragraph shall be reduced by 8 hours in any week which includes one customary holiday and by 16 hours in any week which includes two customary holidays ;

- (ii) for the purposes of sub-paragraphs (2), (3) and (4) of this paragraph, no account shall be taken of any time—
- (a) for which double time is payable under paragraph 8 ;
 - (b) worked on a day of customary holiday ; or
 - (c) not exceeding 15 minutes on any day or one hour in the aggregate in any week worked by any worker (other than a transport worker or van salesman) at a shop immediately after the closing of the shop to the public ;
- (iii) no overtime rate shall be payable to a manager or manageress except where the overtime worked was specifically authorised by the employer or his representative.

SPECIAL TIME

8. Where a worker who is a shop assistant within the meaning of the Shops Act 1950(a), works after 1 p.m. on a day which would have been his weekly half-holiday if the employer had not, under the proviso to sub-section (1) of section 17 or under sub-section (3) of section 40 of that Act, been relieved of his obligation to allow the worker a weekly half-holiday, he shall be paid double time for all time so worked.

WAITING TIME

9. A worker shall be entitled to payment of the minimum remuneration specified in this Part of this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—
- (1) without the employer's consent, express or implied ;
 - (2) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
 - (3) by reason only of the fact that he is resident thereon ; or
 - (4) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

10. Where a worker is not required to work on a customary holiday he shall be paid for the day of customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS WHO WORK ON A CUSTOMARY HOLIDAY

11. Where a worker works on a customary holiday he shall be paid not less than the amount to which he would have been entitled under the other provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week and, in addition thereto—
- (1) For any time worked not exceeding 4 hours double time for 4 hours
 - (2) for any time worked in excess of 4 hours up to a total of 8 hours hourly rate
 - (3) for all time worked in excess of 8 hours ... double time.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

- 12.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration:

Provided that no guaranteed remuneration under this paragraph shall be payable to a worker in any week during which the worker was not throughout his normal working hours (excluding any time allowed to him as a holiday or during which he was absent from work in accordance with sub-paragraph (3) of this paragraph) capable of and available for work.

- (2) Subject to sub-paragraph (3) of this paragraph, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled under paragraph 2, 3, 4 or 5 for work in his usual occupation for the number of hours specified in (a) or (b), as the case may be, of sub-paragraph (1) of paragraph 13:

Provided that where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 13) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies.

- (3) Where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a day of annual holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

HOURS ON WHICH REMUNERATION IS BASED

- 13.—(1) The minimum remuneration specified in paragraphs 2, 3, 4 and 5 relates—

(a) in the case of a worker, other than a van salesman, to a week of 44 hours exclusive of overtime;

(b) in the case of a van salesman, to a week of 46 hours exclusive of overtime;

and, except as provided in paragraph 12, is subject to a proportionate reduction according as the number of hours worked is less than 44 or 46, as the case may be.

- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 9, be excluded.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION ANNUAL HOLIDAY

- 14.—(1) Subject to the provisions of paragraph 15, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964 and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker

in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 21) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment										Duration of annual holiday
12 months	...	...	...	...	...	...	...	...	...	12 days
not less than 11 months	but less than 12 months	...	...	...	...	...	...	...	...	11 "
" " " 10 "	" " " 11 "	" " " 10 "	" " " 9 "	" " " 8 "	" " " 7 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "
" " " 9 "	" " " 10 "	" " " 9 "	" " " 8 "	" " " 7 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	1 day
" " " 8 "	" " " 9 "	" " " 8 "	" " " 7 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "	
" " " 7 "	" " " 8 "	" " " 7 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "		
" " " 6 "	" " " 7 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "			
" " " 5 "	" " " 6 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "				
" " " 4 "	" " " 5 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "					
" " " 3 "	" " " 4 "	" " " 3 "	" " " 2 "	" " " 1 "						
" " " 2 "	" " " 3 "	" " " 2 "	" " " 1 "							
" " " 1 month	" " " 2 "	" " " 1 "								

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

(b) where before the expiration of any holiday season a worker enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed on a specified date or dates after the expiration of the holiday season but before 1st January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;

(c) the duration of the worker's annual holiday in the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer, under the provisions of Order B.F.C.S. (14) between 1st April 1964 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964, and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

15. Where at the written request of the worker at any time preceding the commencement of the holiday season in any year, his employer allows him any day or days of annual holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 18 and 19, then the annual holiday to be allowed in accordance with paragraph 14 in the holiday season in that year shall be reduced by the day or days of annual holiday so allowed prior to the commencement of that holiday season.

16.—(1) Subject to the provisions of this paragraph an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may at the written request of the worker be allowed in two periods of consecutive working days ; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
- (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season.
- (5) No day of annual holiday shall be allowed on a customary holiday.
- (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959.
17. An employer shall give to a worker not later than 1st April in each year notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

HOLIDAY REMUNERATION

- 18.—(1) Subject to the provisions of paragraph 19, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
19. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 20 of this Schedule or with Order B.F.C.S. (14), in respect of employment during either or both of the periods referred to in paragraph 20, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period or periods shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order B.F.C.S. (14).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

20. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months up to and including the 31st day of the preceding March, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since the 31st day of the preceding March, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.

CALCULATION OF EMPLOYMENT

21. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

22. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ AREA 1 ” means—

- (1) all Burghs which, according to the Registrar-General's Preliminary Report on the Census of Scotland 1951, had a population of 5,000 or more ;
- (2) the Burgh of Stevenston in the County of Ayrshire ;
- (3) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton ; and Larbert in the County of Stirling ; and
- (4) the following areas the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely, Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.

“ AREA 2 ” means all localities other than those comprised in Area 1.

“ CARRYING CAPACITY ” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

“ CUSTOMARY HOLIDAY ” means New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday), the local Spring Holiday, the local Autumn Holiday, three other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker and any day proclaimed as a public holiday throughout Scotland.

“ FULL-TIME WORKER ” means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

“ HOURLY RATE ” means the amount obtained by dividing the minimum remuneration to which the worker is entitled under paragraph 2, 3, 4 or 5 by

- (1) 44 in the case of any worker other than a van salesman ;
- (2) 46 in the case of a van salesman.

“ MANAGER ”, “ MANAGERESS ” means a worker, other than a temporary manager or temporary manageress, who is in charge of a shop, and has immediate control of—

- (1) one or more other workers being full-time workers ; or
- (2) two or more part-time workers,

not being workers solely engaged in cleaning premises.

"NORMAL WORKING WEEK " means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season or, where accrued holiday remuneration is payable under (2) of paragraph 20 on the termination of the employment, during the 12 months immediately preceding the date of the termination of the employment:

Provided that—

- (1) part of a day shall count as a day ;
- (2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY " means one-sixth of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the holiday is taken in more than one period, at the date of the first period) or at the date of the termination of the employment, as the case may be, for one week's work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable.

"TEMPORARY MANAGER ", **"TEMPORARY MANAGERESS "** means a worker who, during the temporary absence (for a period of not less than one day) of a manager or manageress, carries out the duties of the manager or manageress, whilst the worker is so carrying out the said duties.

"TIME-AND-A-QUARTER ", **"TIME-AND-A-HALF "** and **"DOUBLE TIME "** mean respectively one and a quarter times, one and a half times and twice the hourly rate.

"TRANSPORT WORKER " means a male worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

"VAN SALESMAN " means a worker wholly or mainly employed in the sale of goods to customers from a vehicle of which he is in charge.

"WEEK " means the period of six days commencing at midnight on Sunday and ending at midnight on the following Saturday.

WORKERS TO WHOM THIS SCHEDULE APPLIES

23.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the workers to whom this Schedule applies are all workers employed in Scotland in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department, wholly or mainly engaged in the retail bread and flour confectionery trade:

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged) except as respects their employment in a department of that branch if that department is so engaged.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(i) workers in relation to whom any of the following Wages Councils operates in respect of any employment which is for the time being within the field of operation of that Wages Council, that is to say:—

- (a) the Baking Wages Council (Scotland) ;
- (b) the Milk Distributive Wages Council (Scotland) ;
- (c) the Road Haulage Wages Council ;

- (ii) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council ;
 - (iii) workers (other than workers employed as cleaners) employed in the maintenance or repair of buildings, plant, equipment or vehicles ;
 - (iv) workers employed in any ship (which includes every description of vessel used in navigation) ;
 - (v) workers employed on post office business.
- (3) For the purposes of this Schedule the retail bread and flour confectionery trade does not include the sale of biscuits or meat pastries or any sale for immediate consumption on the premises at which the sale is effected, but save as aforesaid consists of the sale by retail of bread (including rolls) or flour confectionery (including pastry) and operations connected with any such sale, including:—
- (i) operations in or about a shop or other place where the bread or flour confectionery is sold, being operations carried on for the purpose of or in connection with such sale ;
 - (ii) operations in connection with the transport of bread or flour confectionery when carried on in conjunction with its sale by retail ;
 - (iii) clerical or other office work carried on in conjunction with the sale by retail as aforesaid and relating to such sale or to any of the operations specified in (i) or (ii) of this sub-paragraph ;
- and for the purposes of this definition “ sale by retail ” includes any sale to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of bread or flour confectionery to the general public.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 10th August 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration and the holidays set out in the Wages Regulation (Retail Bread and Flour Confectionery) (Scotland) Order 1962 (Order B.F.C.S. (14)), which is revoked.

New provisions are printed in italics.

(a) 6 & 7 Geo. 6. c. 24.

 STATUTORY INSTRUMENTS

1964 No. 1047

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Seed Potatoes (Redskin Variety) Order 1964

<i>Made</i> - - - -	7th July 1964
<i>Laid before Parliament</i>	14th July 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 2 of the Destructive Insects Act 1877(a), as amended by section 1 of the Destructive Insects and Pests Act 1907(b) and section 1 of the Destructive Insects and Pests Act 1927(c) respectively, and all other powers enabling him in that behalf, hereby makes the following Order :—

Citation and Period of Operation

1. This Order, which may be cited as the Seed Potatoes (Redskin Variety) Order 1964, shall come into operation on 1st August 1964 and shall cease to have effect on 1st August 1965.

Revocation

2. The Movement of Potatoes (Redskin Variety) Order 1963(d) is hereby revoked.

Interpretation

3.—(1) In this Order, unless the context otherwise requires,

“certified” means certified under a scheme for the inspection of growing crops of potatoes authorised by the Minister, the Secretary of State for Scotland, the Ministry of Agriculture for Northern Ireland, the Isle of Man Board of Agriculture and Fisheries or the Minister for Agriculture for the Republic of Ireland, and “uncertified” means not so certified ;

“container” includes a bag, sack, chitting tray, slatted box and slatted crate ;

“inspector” means an officer of the Ministry of Agriculture, Fisheries and Food authorised by the Minister for the purposes of this Order ;

“Minister” means the Minister of Agriculture, Fisheries and Food ;

“Redskin seed potatoes” means seed potatoes of the variety commonly known as Redskin.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(a) 40 & 41 Vict. c. 68. (b) 7 Edw. 7. c. 4. (c) 17 & 18 Geo. 5. c. 32.
 (d) S.I. 1963/1295 (1963 II, p. 2244). (e) 52 & 53 Vict. c. 63.

Restriction on Sale and Movement of Uncertified Redskin Seed Potatoes

4.—(1) Subject to Article 5 of this Order no person shall sell, offer or expose for sale, or cause to be sold, offered or exposed for sale, or having sold, shall deliver or cause to be delivered any uncertified Redskin seed potatoes.

(2) Subject to Article 5 of this Order no person shall bring or cause to be brought into England or Wales any uncertified Redskin seed potatoes.

Licences

5. Any uncertified Redskin seed potatoes may be sold or delivered or may be brought into England or Wales in accordance with and subject to any conditions or restrictions imposed by a licence granted by the Minister or an inspector.

Particulars to be Given on Delivery of Uncertified Redskin Seed Potatoes

6.—(1) Upon the delivery in pursuance of a sale of any uncertified Redskin seed potatoes which are the subject of a licence granted in accordance with Article 5 of this Order each of their containers shall either have attached to it a label legibly and indelibly marked with the word "Licence" followed immediately by the reference letters and number of the aforesaid licence or itself be legibly and indelibly marked with the word "Licence" followed immediately by such reference letters and number.

(2) Any sale note, delivery note, invoice or other document delivered to a purchaser by the seller in pursuance of a sale of any Redskin seed potatoes which are the subject of a licence granted in accordance with Article 5 of this Order shall include the word "Licence" followed immediately by the reference letters and number of the aforesaid licence.

Particulars to be Given on Delivery of Certain Certified Redskin Seed Potatoes

7.—(1) Upon the delivery in pursuance of a sale of any certified Redskin seed potatoes which are the subject of a certificate known as an "A" or an "H" certificate issued under a scheme for the inspection of growing crops of potatoes authorised by the Secretary of State for Scotland each of their containers shall either have attached to it a label legibly and indelibly marked with the words "Tuber Inspected" followed immediately by the reference letters and number of a statement or other document issued by the certifying authority that the potatoes therein referred to (being potatoes which comprised or included the potatoes which are the subject of the aforesaid sale) were inspected by an officer of that authority after harvesting but before riddling and dressing and that the disease commonly known as Redskin abnormality was not found or itself be legibly and indelibly marked with the words "Tuber Inspected" followed immediately by such reference letters and number.

(2) Any sale note, delivery note, invoice or other document delivered to a purchaser by the seller in pursuance of a sale of any Redskin seed potatoes which are the subject of a certificate of one of the kinds referred to in the last preceding paragraph shall include the words "Tuber Inspected" followed immediately by the reference letters and number of a statement or other document as mentioned in the last preceding paragraph.

Examination and Sampling

8. An inspector, upon production if so required of his authority, may, for the purposes of this Order, enter any land or premises and examine and take samples of any potatoes found there.

Information to be Given

9. Every person who has or has had in his possession or under his charge any Redskin seed potatoes and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such potatoes shall if so required by the Minister or an inspector, give to the Minister or inspector such information as he possesses as to the persons who have or have had such potatoes in their possession or under their charge. Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Offences

10. Any person who fails to comply with or who acts in contravention of the requirements of this Order or of the terms, conditions or restrictions of any licence granted thereunder, or who wilfully obstructs an inspector in the exercise of his powers under this Order, shall be liable on conviction to a penalty not exceeding ten pounds or, in respect of a second or subsequent offence, to a penalty not exceeding fifty pounds.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prohibits the sale and delivery, and the bringing into England or Wales, of uncertified seed potatoes of the Redskin variety except under licence. It also requires a seller of seed potatoes of the Redskin variety to label or mark the containers with the number of any such licence or, in the case of certain certified potatoes from Scotland, with the number of an official declaration that the potatoes have been inspected for freedom from Redskin abnormality.

Inspectors of the Ministry of Agriculture, Fisheries and Food are given power to examine and take samples of potatoes and to require information. Penalties are provided for breach of the requirements of the Order.

1964 No. 1055

ANIMALS

DISEASES OF ANIMALS

The Markets (Protection of Animals) Order 1964

<i>Made</i> - - - -	8th July 1964
<i>Coming into Operation</i>	
(a) <i>except for articles</i>	
4, 5(4) and 7	16th July 1964
(b) <i>articles 4 and 7</i>	16th January 1965
(c) <i>article 5(4)</i> -	16th January 1966

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, by virtue and in exercise of the powers vested in them by sections 1 and 20 of the Diseases of Animals Act 1950(a), as amended by section 14 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling them in that behalf, hereby order as follows :—

Citation, extent and commencement

1. This order, which may be cited as the Markets (Protection of Animals) Order 1964, shall apply throughout Great Britain and shall come into operation on 16th July 1964, except for articles 4 and 7, which shall come into operation on 16th January 1965, and article 5(4), which shall come into operation on 16th January 1966.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“ the Act ” means the Diseases of Animals Act 1950 ;

“ animals ” means cattle, sheep, goats and swine ;

“ the appropriate Minister ” means, in relation to markets in England, the Minister of Agriculture, Fisheries and Food, and in relation to markets in Scotland, the Secretary of State ;

“ awaiting removal ” means awaiting removal from a market after being exposed for sale there ;

“ calf ” means a bovine animal under the age of 6 months, but does not include a calf at foot which has not been housed under cover ;

“ exposed for sale ” means exposed for sale in a market, and “ exposure for sale ” shall be construed accordingly ;

“ lair ” means a building, erection, pen, yard or other enclosure used for the reception or temporary detention of animals before or after their exposure for sale, but does not include a grass enclosure ;

“ local authority ” has the same meaning as in section 59 of the Act ;

“market” means any market-place, fair-ground, highway, saleyard or other premises in or upon which markets, fairs or sales of animals are held at intervals of 24 days or less, and includes any lair adjoining and used in connection with such premises :

“market authority” means the local authority or person in control of the premises of a market or part of a market.

(2) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Treatment and removal of unfit animals

3.—(1) Where in the opinion of a veterinary inspector an animal exposed for sale or awaiting removal is being, or is likely to be, caused unnecessary suffering, by reason of sickness, injury, overstocking of the udder, lack of food or water, exposure to adverse weather, defective accommodation, unsuitable tethering or any other cause, he may (without prejudice to any proceedings which may be taken against any person for a contravention of this order) treat the animal or cause it to be treated and take, or cause to be taken, such other steps as he considers necessary to protect it from such suffering, and he may for any such purpose remove the animal or cause it to be removed to a suitable place in the vicinity and keep it there for as long as he considers necessary for the purpose of treatment or otherwise protecting it from such suffering.

(2) The reasonable cost of treating, removing or keeping an animal or of taking any steps to protect it from suffering in accordance with this article may be recovered by the appropriate Minister from the owner of the animal as a civil debt.

(3) Any person who prevents, or attempts to prevent, the treatment, removal or keeping of an animal or the taking of any steps to protect it from suffering in accordance with this article shall be guilty of an offence against the Act.

(4) Nothing in this article shall prejudice any right of the owner of an animal to remove it from a market at any time, and for this purpose any place at which an animal is being kept in accordance with the provisions of paragraph (1) hereof shall be deemed to be part of the market.

(5) For the purposes of this article “treatment” includes milking and the provision of food and water, and “treat” shall be construed accordingly.

Feeding and watering of animals

4.—(1) Every animal exposed for sale or awaiting removal shall be provided with an adequate quantity of suitable water as often as is necessary to prevent it suffering from thirst.

(2) Without prejudice to the generality of the preceding paragraph, where an animal awaiting removal remains in a market until 5 a.m. on the day following that on which it has been exposed for sale, the animal shall be provided with an adequate quantity of suitable food and water at least once between the commencement of such exposure for sale and either the time of its removal from the market or 9 a.m. on such following day, whichever is the earlier, and thereafter at least once in each complete period of 12 hours beginning or ending with 9 a.m. during which it is awaiting removal.

(3) For the purposes of the preceding paragraph any temporary period of absence of the animal from the market shall be part of the period during which it is awaiting removal.

(4) The owner of the animal for the time being, and every person in charge of it, shall take all reasonable steps to ensure that this article is complied with.

Penning of animals

5.—(1) No person shall permit animals exposed for sale or awaiting removal to be penned otherwise than in accordance with the following provisions of this article.

(2) The animals shall be so contained and distributed within the pens as to avoid injury, overcrowding or other cause of unnecessary suffering, regard being had where necessary to unfitness and to differences of age and size.

(3) Every bull shall be kept separate from other animals and secured by the head or neck.

(4) Horned cattle (other than cattle with rudimentary or stub horns which are incapable of causing damage to other cattle) shall be kept separate from cattle without horns unless the cattle of both classes are secured by the head or neck.

(5) Nothing in this article shall require an animal with unweaned young to be kept separate from her young if both the animal and her young are kept separate from all other animals.

Calves, dairy cows in milk and pigs to be kept under cover

6.—(1) Subject to the provisions of the preceding article no person shall permit a calf, dairy cow in milk or pig exposed for sale or awaiting removal to be kept in a market otherwise than under cover of a roof if there is available to him in the market suitable roofed accommodation in which the animal can be kept.

(2) Accommodation shall not be deemed to be available to a person for the purposes of the preceding paragraph if—

(a) it is occupied by calves, dairy cows in milk, pigs, unfit animals or animals of a class for which such accommodation has been specially constructed or adapted ;

(b) the market is divided into separate parts for the conduct of different kinds of sales, with separate accommodation for each part, and the accommodation belongs to a part of the market other than that in which the animal is or has been exposed for sale ; or

(c) the consent of another person is required for the use of the accommodation and either it has not been reasonably possible to ask for such consent or such consent has been asked for and has been withheld ;

but shall otherwise be deemed to be available whether it is occupied by other animals or not.

(3) Nothing in this article shall compel animals of different species to be kept in the same pen or shall affect—

(a) the necessary movement of an animal within a market ;

(b) the exposure for sale of an animal in an open sale ring for such period as is reasonably necessary to enable it to be sold by auction ; or

(c) the exposure for sale of an animal otherwise than under cover of a roof if the only suitable roofed accommodation which is available in the market is in the lair.

Obligations of market authority

7. The market authority of every market or part of a market in which animals are exposed for sale or awaiting removal shall take all reasonable steps to ensure that—

- (a) an adequate supply of clean wholesome water is available for them ;
- (b) adequate facilities in the form of troughs, buckets or drinking bowls are available for watering them ; and
- (c) pens used for containing them are free from projections or sharp corners likely to cause them suffering.

Enforcement

8. The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 8th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order, which is made under the Diseases of Animals Act 1950, provides for the protection of cattle, sheep, goats and pigs from unnecessary suffering while exposed for sale in markets or awaiting removal afterwards. Unfit animals (including animals which are overstocked or which need food or water) may be treated and if necessary removed for the purpose by a veterinary inspector at the expense of the owner. Animals must be watered as often as necessary ; they must be fed and watered if they are awaiting removal overnight, and afterwards every 12 hours until they are removed. Provision is made for the penning of animals, including the tying of bulls and the segregation of horned and hornless cattle. Calves, dairy cows in milk and pigs must be kept under cover of a roof where such accommodation is available. Market authorities are obliged to provide a supply of drinking water, facilities for drinking, and pens which are free from injurious projections.

The order comes into operation on 16th July 1964, but the provisions relating to feeding, watering and the obligations of market authorities will not be operative until 6 months later. The segregation of horned cattle becomes obligatory on 16th January 1966.

1964 No. 1058

MERCHANT SHIPPING**The Merchant Shipping (Fees) (No. 2) Regulations 1964**

<i>Made -</i>	<i>7th July 1964</i>
<i>Laid before Parliament</i>	<i>20th July 1964</i>
<i>Coming into Operation</i>	<i>1st October 1964</i>

The Minister of Transport, with the approval of the Treasury and in exercise of the powers conferred upon him by section 33 of the Merchant Shipping (Safety Convention) Act 1949(a) and the enactments specified in the Second Schedule to that Act, which enactments are specified in the First Schedule to these Regulations, and of all other powers enabling him in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st October 1964 and may be cited as the Merchant Shipping (Fees) (No. 2) Regulations 1964.

(2) The Merchant Shipping (Fees) Regulations 1964(b) as amended(c) are hereby revoked.

(3) In these Regulations the expression “ tons ” means gross tons.

(4) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. There shall be paid, under the enactments mentioned in the first column of the Second Schedule to these Regulations, for the services mentioned in the second column of that Schedule, the fees specified in the third column thereof.

Given under the Official Seal of the Minister of Transport the 7th July 1964.

(L.S.)

Ernest Marples,
The Minister of Transport.

We approve the making of these Regulations.

Dated the 6th July 1964.

John Hill,
Martin McLaren,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) 12, 13 & 14 Geo. 6. c. 43.
(c) S.I. 1964/953 (1964 II, p. 2153).

(b) S.I. 1964/754 (1964 II, p. 1505).
(d) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

The Merchant Shipping Act 1894(a) sections 64(1), 77(2), 83, 97, 125(3), 126(2), 210(3), 277, 306(2), 360(2), 420(8), 567(1), 695(2).

The Merchant Shipping (Mercantile Marine Fund) Act 1898(b) section 3.

The Fees (Increase) Act 1923(c) section 2(1) to (4).

SECOND SCHEDULE

FEES FOR CERTIFICATES

PART 1. FEES FOR PASSENGER STEAMERS' CERTIFICATES AND SAFETY CERTIFICATES*

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
For passenger steamers' certificates—section 277 of the Merchant Shipping Act 1894. For safety certificates—section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(a) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, except in the cases specified in paragraphs (b) to (g) of this part of this Schedule— (i) Ships not exceeding 50 tons (ii) Ships exceeding 50 tons and not exceeding 100 tons ... (iii) Ships exceeding 100 tons and not exceeding 300 tons ... (iv) Ships exceeding 300 tons and not exceeding 600 tons ... (v) Ships exceeding 600 tons ...	20 0 0 37 10 0 56 5 0 70 0 0 70 0 0
		with an addition of £13 15s. 0d. for each additional 300 tons or part thereof but not exceeding a total tonnage of 21,000 tons; £10 0s. 0d. for each 300 tons or part thereof exceeding 21,000 tons but not exceeding 39,000 tons and £5 0s. 0d. for each 300 tons or part thereof exceeding 39,000 tons.
	(b) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate of less than twelve months' validity (not being a certificate referred to in paragraph (e) of this part of this Schedule)	one twelfth of the fee calculated in accordance with paragraph (a) of this part of this Schedule for each month or part of a month.

(a) 57 & 58 Vict. c. 60.

(b) 61 & 62 Vict. c. 44.

(c) 13 & 14 Geo. 5. c. 4.

* For a qualified safety certificate together with an exemption certificate the fee shall be the same as for the corresponding unqualified safety certificate.

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
For passenger steamers' certificates — section 277 of the Merchant Shipping Act 1894. For safety certificates— section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	Minimum fee 	one quarter of the fee calculated in accordance with the said paragraph (a), but not less than £20 0s. 0d. for a ship not exceeding 100 tons and £30 0s. 0d. for a ship exceeding 100 tons.
	(c) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, where, in any of the cases specified in paragraphs (a) and (b) of this part of this Schedule, the ship is required by the radio rules to be provided with a radio installation:—	
	(i) Ships not exceeding 1,600 tons 	9 7 6
	(ii) Ships exceeding 1,600 tons...	18 10 0
		being in each case in addition to the fee prescribed in paragraphs (a) and (b) of this part of this Schedule.
	(d) (i) For a " Passenger Certificate, Class VI ", certifying that the ship is fit to carry not more than 36 passengers ...	13 15 0
	(ii) For a " Passenger Certificate, Class VI ", certifying that a ship of 50 tons or less is fit to carry more than 36 passengers	20 0 0
	(e) For a passenger steamer's certificate of not more than 6 months validity (other than a " Passenger Certificate, Class VI ") issued in respect of a ship not exceeding 25 tons 	13 15 0
	(f) For a passenger steamer's certificate, a safety certificate or a passenger steamer's certificate combined with a safety certificate, in each case being a certificate issued in substitution for an existing certificate of the same kind:—	
	(i) changing the limits or giving additional limits within which the ship may ply ...	10 0 0
	(ii) decreasing the number of passengers the ship may carry 	10 0 0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
For passenger steamers' certificates — section 277 of the Merchant Shipping Act 1894.	(iii) increasing the number of such passengers:—		
	for the first 200, or fraction of 200, extra passengers	10	0 0
For safety certificates— section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	for every additional 200, or fraction of 200, extra passengers	7	10 0
	(iv) changing the owner of the ship	4	15 0
	(v) for any other change in the certificate	10	0 0
	(g) For a passenger steamer's certificate issued in respect of a passenger steamer not registered in the United Kingdom stating only the number of passengers the ship may carry:—		
	(i) for the first 200, or fraction of 200, passengers	10	0 0
	(ii) for every additional 200, or fraction of 200, passengers...	7	10 0

PART 2. FEES FOR RADIO CERTIFICATES AND RADIO EXEMPTION CERTIFICATES

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(a) For a radio certificate, or a qualified radio certificate together with an exemption certificate:—		
	(i) Ships not exceeding 1,600 tons	9	7 6
	(ii) Ships exceeding 1,600 tons ...	18	10 0
	(b) For an exemption certificate only, relating to radio	3	18 0

PART 3. FEES FOR THE INSPECTION OF RADIO INSTALLATIONS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	(a) For the inspection of a ship under section 3(7) of the Merchant Shipping (Safety Convention) Act 1949, on the application of the owner, for the purpose of seeing that she is properly provided with a radio installation and radio officers or radio telephone operators in conformity with the radio rules, not being an inspection made with a view to the issue of a passenger steamer's certificate or of any of the certificates referred to in sections 7 and 9 of the Merchant Shipping (Safety Convention) Act 1949:—		
	For a complete inspection:—		
	(i) Ships not exceeding 1,600 tons	9	7 6
	(ii) Ships exceeding 1,600 tons	18	10 0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949— <i>cont.</i>	For a partial inspection:—			
	(i) Ships not exceeding 1,600 tons			
	Maximum fee	9	7	6
	(ii) Ships exceeding 1,600 tons			
	Maximum fee	18	10	0
	(b) For the inspection of a ship under section 3(7) of the Merchant Shipping (Safety Convention) Act 1949, otherwise than on the application of the owner, if the ship is found not to be properly provided with a radio installation and radio officers or radio telephone operators:—			
For each visit made to the ship	10	0	0	
Maximum fee	37	10	0	

PART 4. FEES FOR SAFETY-EQUIPMENT CERTIFICATES

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 33(1) of the Merchant Shipping (Safety Convention) Act 1949.	For a safety-equipment certificate or a qualified safety-equipment certificate together with an exemption certificate:—			
	(i) Ships not exceeding 1,600 tons	15	0	0
	(ii) Ships exceeding 1,600 tons but not exceeding 3,000 tons	20	0	0
	(iii) Ships exceeding 3,000 tons	31	5	0

PART 5. FEES FOR THE INSPECTION OF LIFE-SAVING APPLIANCES, FIRE APPLIANCES AND PILOT LADDERS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
Section 2(3) of the Fees (Increase) Act 1923.	(a) For the inspection on the application of the owner (not being an inspection made with a view to issue of a passenger steamer's certificate or of any of the certificates referred to in sections 7 and 8 of the Merchant Shipping (Safety Convention) Act 1949), under section 431 of the Merchant Shipping Act 1894 as substituted by section 5(3) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932(a) of a ship other than a passenger steamer either during the construction of the ship or otherwise for the purpose of seeing that the ship complies with the Rules made under section 427 of the			

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
Section 2(3) of the Fees (Increase) Act 1923— <i>cont.</i>	Merchant Shipping Act 1894, as substituted by section 2(1) of the Merchant Shipping (Safety Convention) Act 1949: For a complete inspection of ships:— Not exceeding 500 tons ... Exceeding 500 tons but not exceeding 1,600 ... Exceeding 1,600 tons but not exceeding 3,000 ... Exceeding 3,000 tons ... For a partial inspection:— For each visit made to the ship ... Maximum fee ...	11 5 0 15 0 0 20 0 0 31 5 0 4 17 6	The fee for a complete inspection.
	(b) For the inspection of a ship otherwise than on the application of the owner under section 431 of the Merchant Shipping Act 1894 as substituted by section 5(3) of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 where the equipment is found defective:— For each visit made to the ship ... Maximum fee ...	4 17 6	The fee payable under paragraph (a) of this part of this Schedule.

PART 6. FEES FOR INSPECTION OF LIGHTS AND FOG SIGNALS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
Section 420(8) of the Merchant Shipping Act 1894.	For the inspection of lights and fog signals on any ship:— For each visit made to the ship on application of the owner and for each visit made where the equipment is found defective ... Maximum fee ...	5 0 0 20 0 0	

PART 7. FEES FOR INSPECTION OF SHIPS' PROVISIONS

<i>Enactments</i>	<i>Commodity</i>	<i>Unit</i>	<i>Fees per Unit</i>	
			£	s. d.
Section 2(4) of the Fees (Increase) Act 1923.	Biscuits ...	28 lbs. ...	0	0 4
	*Salt beef ...	Tierces (or barrels) ...	0	8 6
	*Salt beef ...	Kegs ...	0	4 3
	*Salt pork ...	Barrels ...	0	8 6
	*Salt pork ...	Kegs ...	0	4 3
	*†Preserved meats ...	48 lbs. ...	0	1 9

* The fee for re-inspection in bulk of any of these articles, if previously sealed, shall be 25 per cent of the rate for an original inspection in bulk.

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

Enactments	Commodity	Unit	Fees per Unit		
			£	s.	d.
Section 2(4) of the Fees (Increase) Act 1923 —cont.	*Dried fish ...	56 lbs.	0	1	1
	Tinned fish ...	48 lbs.	0	0	4
	Fresh potatoes ...	112 lbs.	0	0	4
	Dried potatoes ...	56 lbs.	0	0	4
	Dried vegetables ...	12 lbs.	0	0	4
	Preserved vegetables	48 lbs.	0	0	4
	Peas, split and green	112 lbs.	0	0	7
	Haricot beans and butter beans	112 lbs.	0	0	7
	*Rice ...	112 lbs.	0	0	8
	Oatmeal ...	56 lbs.	0	0	4
	*Flour ...	Barrels	0	2	10
	*Flour ...	in bags, 196 lbs.	0	2	10
	Tea ...	10 lbs.	0	0	4
	Coffee ...	14 lbs.	0	0	4
	Cocoa ...	14 lbs.	0	0	4
	Sugar ...	112 lbs.	0	0	7
	*Butter (tinned)	Sealed in cases, 112 lbs.	0	10	6
	*Butter ...	Sealed in tins, 14 lbs.	0	1	9
	*Butter (not tinned)	112 lbs.	0	10	6
	*Marmalade and jam	56 lbs.	0	1	5
	Syrup ...	56 lbs.	0	0	4
	*Suet in tins ...	48 lbs.	0	2	10
	*Pickles ...	Gallon	0	0	7
	*Pickles ...	In quart bottles, dozen	0	1	9
	*Pickles ...	In pint bottles, dozen	0	1	5
	Dried fruits ...	28 lbs.	0	0	4
	Fine salt ...	56 lbs.	0	0	4
	Mustard ...	6 lbs.	0	0	4
	Pepper ...	6 lbs.	0	0	4
	Curry Powder ...	6 lbs.	0	0	4
	Onions, fresh ...	112 lbs.	0	0	4
	Ghee ...	80 lbs.	0	4	6
	Bacon and Ham	200 lbs.	0	4	6
	†Bacon and Ham (tinned) ...	48 lbs.	0	0	10
	Lentils ...	112 lbs.	0	0	7
	Breakfast Cereals ...	In packets, dozen	0	0	6
	Milk dried ...	112 lbs.	0	6	0
	Cooking Fat and Margarine ...	112 lbs.	0	5	3
	Cooking Fat and Margarine (tinned)	112 lbs.	0	6	0
	Cheese ...	112 lbs.	0	6	0
	†Fruits, Tinned ...	48 lbs.	0	0	10
	Sauces ...	In 10 fluid oz. bottles, on every dozen	0	1	1
Meat ...	In carcase, 200 lbs.	0	4	6	
Meat ...	In joints, 200 lbs.	0	6	0	

* The fee for re-inspection in bulk of any of these articles, if previously sealed, shall be 25 per cent of the rate for an original inspection in bulk.

† For the purpose of calculating the fee payable, fractions of a lb. in each tin shall be regarded as a whole lb.

PART 8. FEES FOR INSPECTION OF CREW ACCOMMODATION

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 210(3) of the Merchant Shipping Act 1894.	For the inspection of places in any British ship occupied by seamen or apprentices and appropriated to their use:—	
	For each visit to the ship ...	4 15 0
	Maximum fee	20 0 0

PART 9. FEES FOR MEDICAL INSPECTION OF STEERAGE

PASSENGERS AND CREW OF AN EMIGRANT SHIP

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 306(2) of the Merchant Shipping Act 1894.	For the first 100, or fraction of 100, persons	13 15 0
	For each additional 100, or fraction of 100, persons	3 12 0

PART 10. FEES FOR MEASUREMENT OF SHIP'S TONNAGE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Sections 77 (2) and 83 of the Merchant Shipping Act 1894.	(a) Subject to the provisions of paragraph (b) of this part of this Schedule, for measurement under Rule I of the Second Schedule to the Merchant Shipping Act 1894, and for re-measurement under section 77(2) of that Act, and in all other cases where, in consequence of alterations, re-measurement of the ship's under deck tonnage is required:—	
	Ships not exceeding 50 tons ...	10 0 0
	Ships exceeding 50 tons but not exceeding 100 tons	20 0 0
	For each additional 100 tons or fraction thereof above 100 tons but not exceeding 20,000 tons	2 10 0
	For each additional 100 tons or fraction thereof exceeding 20,000 tons	1 8 6
	For measurement under Rule II of the aforesaid Second Schedule one-half the foregoing fees shall be payable.	
	(b) For the re-measurement of any of the items specified in this paragraph the fees specified in this paragraph shall be payable in respect of each item, unless a fee is paid under paragraph (a) of this part of this Schedule for measurement or re-measurement done at the same time:—	
	(i) alterations on the upper deck;	

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Sections 77(2) and 83 of the Merchant Shipping Act 1894— <i>cont.</i>	(ii) alterations in the engine room;			
	(iii) spaces referred to in section 78(2) of the Merchant Shipping Act 1894;			
	(iv) spaces referred to in section 79(1) of the said Act;			
	(v) spaces referred to in section 81 of the said Act;			
	(vi) spaces referred to in section 54 of the Merchant Shipping Act 1906 (a):—			
	Ships not exceeding 50 tons	2	10	0
	Ships exceeding 50 tons but not exceeding 100 tons	4	2	6
	For each additional 100 tons, or fraction thereof exceeding 100 tons ...	0	11	8
	Maximum fee for each item	25	0	0

PART 11. FEES FOR SURVEY OF EMIGRANT SHIPS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 360(2) of the Merchant Shipping Act 1894.	For not more than two visits to the ship	42	10	0
	For three, four or five visits to the ship	62	10	0
	For more than five visits to the ship	82	10	0

MISCELLANEOUS FEES

PART 12. FEES FOR ENGAGEMENT AND DISCHARGE OF SEAMEN (OTHER THAN MEMBERS OF THE CREWS OF FISHING BOATS)

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>		
		£	s.	d.
Section 2(2) of the Fees (Increase) Act 1923.	(a) For the engagement or discharge of seamen (other than members of the crews of fishing boats within the meaning of section 390 of the Merchant Shipping Act 1894) before a superintendent of his duly appointed deputy:—			
	For each of the first 100 men engaged	0	6	6
	For each man engaged in excess of 100 but not in excess of 500	0	4	0
	For each man engaged in excess of 500	0	2	0
	For each of the first 100 men discharged	0	6	6
	For each man discharged in excess of 100 but not in excess of 500	0	4	0
	For each man discharged in excess of 500	0	2	0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(2) of the Fees (Increase) Act 1923 —cont.	<p>(b) <i>Additional Fees for the Engagement and Discharge of Seamen on board ship:—</i></p> <p>For the engagement and discharge of seamen (other than members of the crews of fishing boats as aforesaid) on board ship the fees specified in this paragraph shall be charged in addition to those specified in paragraph (a) of this part of this Schedule and the minimum fee for any visit of a superintendent or his duly appointed deputy to a ship for the purpose of the engagement or discharge of such seamen shall be £2 10s. 0d.:—</p> <p>For each of the first 35 men engaged</p> <p>For each visit of a superintendent or his duly appointed deputy to the ship:—</p> <p style="padding-left: 2em;">If more than 35 men but not more than 100 men are engaged ...</p> <p style="padding-left: 2em;">For every 50, or fraction of 50, men engaged in excess of 100 ...</p> <p>For each of the first 35 men discharged</p> <p>For each visit of a superintendent or his duly appointed deputy to the ship:—</p> <p style="padding-left: 2em;">If more than 35 men but not more than 100 men are discharged ...</p> <p style="padding-left: 2em;">For every 50, or fraction of 50, men discharged in excess of 100 ...</p> <p>Provided that if any seamen are engaged on board a ship immediately after their discharge on board that ship the additional fee payable by reason of their engagement on board ship shall be half that specified above.</p>	<p>0 3 0</p> <p>5 10 0</p> <p>1 10 0</p> <p>0 3 0</p> <p>5 10 0</p> <p>1 10 0</p>

PART 13. FEES FOR SERVICES IN CONNECTION WITH AGREEMENTS OPENED IN INDIA OR PAKISTAN

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 125(3) of the Merchant Shipping Act 1894 as amended by section 33(2) of the Merchant Shipping (Safety Convention) Act 1949.	For certifying that a further agreement is a proper agreement in all respects under section 125 of the Merchant Shipping Act 1894 ...	2 0 0

PART 14. FEES FOR EXAMINATION FOR CERTIFICATES OF COMPETENCY AS MASTERS, MATES, ENGINEERS, SKIPPERS AND SECOND HANDS

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>	
		£	s. d.
Section 97 of the Merchant Shipping Act 1894.	For examination for a certificate of competency on each occasion on which a candidate presents himself:—		
	(a) Master of a foreign-going ship	14	0 0
	First mate of a foreign-going ship	9	0 0
	Second mate of a foreign-going ship... ..	8	0 0
	Master of a home-trade passenger ship	9	0 0
	Mate of a home-trade passenger ship	4	0 0
	If the examination in signalling is taken separately from the remainder of the examination for each attempt an additional fee of £4 0s. 0d. shall be payable.		
	If a candidate for a certificate of competency as a master or mate is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half the specified fee, subject to a minimum of £4 0s. 0d., shall be payable.		
	If the holder of a certificate of competency is examined for an endorsement of his certificate to the effect that the holder is qualified to act as master, first mate or second mate of a sailing ship, one-half the specified fee shall be payable.		
		(b) First-class engineer:—	
	(i) for the full examination	14	0 0
	(ii) for Part A or Part B or a portion of either Part	7	0 0
	(iii) for endorsement of a first class engineer's certificate	6	0 0
	Second class engineer:—		
	(i) for the full examination	8	0 0
	(ii) for Part A or Part B or a portion of either Part	4	0 0
	(iii) for endorsement of a second class engineer's certificate	4	0 0

In relation to an engineer's certificate of competency "endorsement" means the endorsement of an ordinary (steam) certificate to the effect that the holder is qualified to act as first or second engineer, as the case may be, on board a motor vessel, or *vice versa*.

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 97 of the Merchant Shipping Act 1894, as applied by section 414(1) of that Act.	(c) Skipper	9 0 0
	Second Hand	4 0 0
	If the examination in signalling is taken separately from the remainder of the examination an additional fee of £4 0s. 0d. shall be payable.	
	If a candidate for a certificate of competency as a skipper or second hand is re-examined in the written but not in the oral part of the examination or in the oral but not in the written part thereof, one-half of the specified fee, subject to a minimum fee of £4 0s. 0d., shall be payable.	

PART 15. FEES FOR CERTIFICATES OF SERVICE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(1)(b) of the Fees (Increase) Act 1923.	For a certificate of service granted in pursuance of section 99 of the Merchant Shipping Act 1894 ...	5 0 0

PART 16. FEES FOR RECORDING INDENTURES OF APPRENTICESHIP

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 2(1)(c) of the Fees (Increase) Act 1923.	For recording an indenture of an apprenticeship to the sea service...	0 7 6

PART 17. FEES FOR REGISTRATION, TRANSFER AND MORTGAGE OF SHIPS
(EXCLUDING VESSELS NOT EXCEEDING 10 TONS EMPLOYED SOLELY IN FISHING)

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 3 of the Merchant Shipping (Mercantile Marine Fund) Act 1898.	(a) On initial registry, registry anew and transfer of registry:—	
	Ships not exceeding 1,500 tons	12 0 0
	For every 500 tons or part of 500 tons in excess of 1,500 tons	6 0 0
		up to a maximum of
		£100 0 0

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 3 of the Merchant Shipping (Mercantile Marine Fund) Act 1898— <i>cont.</i>	(b) On transfer of mortgage, transfer by bill of sale, transmission, mortgage, and discharge of mortgage:— According to the gross tonnage represented by the ships or shares of ships transferred, etc. (e.g. the transfer of 16/64 shares in a ship of 6,400 tons to be reckoned as the transfer of 1,600 tons):— Ships not exceeding 400 tons For every 1,000 tons or part of 1,000 tons in excess of 400 tons ...	2 10 0 1 5 0

PART 18. FEES FOR INSPECTION OF REGISTER BOOK

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 64(1) of the Merchant Shipping Act 1894 as amended by section 33(2) of the Merchant Shipping (Safety Convention) Act 1949.	For each inspection of the register book	0 10 0

PART 19. FEES FOR COPIES OF, OR EXTRACTS FROM, DOCUMENTS ADMISSIBLE IN EVIDENCE

<i>Enactments</i>	<i>Services</i>	<i>Fees</i> £ s. d.
Section 695(2) of the Merchant Shipping Act 1894.	For a certified copy of the particulars entered by the registrar in the register book on the registry of a ship, together with a certified statement showing the ownership of the ship at the time being ...	2 0 0
	For a certified copy of any declaration or document, a copy of which is made evidence by the Merchant Shipping Acts or for a certified copy of or extract from a document declared by the Merchant Shipping Acts to be admissible in evidence:—	
	(a) if the declaration or document relates to the registry of a ship, each folio of 90 words or a part thereof ...	0 10 0
	(b) in any other case, each page or portion thereof	0 3 6

PART 20. FEES OF RECEIVERS OF WRECK

<i>Enactments</i>	<i>Services</i>	<i>Fees</i>
		£ s. d.
Section 567(1) of the Merchant Shipping Act 1894.	<p>For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of ...</p> <p>For wreck taken by the receiver into his custody, a percentage of five per cent. upon the value thereof.</p> <p style="padding-left: 40px;">But so that in no case shall the whole amount of percentage so payable exceed fifty pounds.</p> <p>In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage; that is to say,</p> <p style="padding-left: 40px;">If that vessel with her cargo equals or exceeds in value one thousand two hundred pounds, the sum of four pounds for the first, and the sum of two pounds for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than one thousand two hundred pounds, one-half of the above-mentioned sum.</p>	<p>1 2 6</p>

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke the Merchant Shipping (Fees) Regulations 1964 and provide for the payment of increased fees for various services in relation to shipping.

1964 No. 1059

MERCHANT SHIPPING
MASTERS AND SEAMEN
The British Seamen's Cards (Amendment) Order 1964

<i>Made - - - -</i>	<i>7th July 1964</i>
<i>Laid before Parliament</i>	<i>20th July 1964</i>
<i>Coming into Operation</i>	<i>1st October 1964</i>

The Minister of Transport in exercise of his powers under sections 4 and 12 of the Emergency Laws (Miscellaneous Provisions) Act 1953(a) and of all other powers enabling him in that behalf hereby makes the following Order:—

1.—(1) This Order shall come into operation on the 1st October 1964 and may be cited as the British Seamen's Cards (Amendment) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. The British Seamen's Cards Order 1960(c) as amended(d) shall be further amended as follows:—

In paragraph (2) of Article 9 for the words "ten shillings" there shall be substituted the words "twelve shillings and sixpence".

3. The British Seamen's Cards (Amendment) Order 1962(d) is hereby revoked.

Given under the Official Seal of the Minister of Transport the 7th July 1964.

(L.S.)

Ernest Marples,
The Minister of Transport.

We approve the fee prescribed in Article 9 of the British Seamen's Cards Order 1960 as further amended by this Order.

John Hill,
Martin McLaren,
Two of the Lords Commissioners
of Her Majesty's Treasury.

Dated the 6th July 1964.

(a) 1 & 2 Eliz. 2. c. 47.
(c) S.I. 1960/967 (1960 II, p. 1987).

(b) 52 & 53 Vict. c. 63.
(d) S.I. 1962/1324 (1962 II, p. 1419).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order further amends the British Seamen's Cards Order 1960, by increasing from ten shillings to twelve shillings and sixpence the fee payable under Article 9 of that Order for each British Seaman's Card issued in replacement of a Card which has been lost, destroyed or defaced, where the loss, destruction or defacement could reasonably have been avoided by the seaman.

1964 No. 1064

SUGAR

**The Sugar (Rates of Surcharge and Surcharge Repayments)
(No. 3) Order 1964**

<i>Made - - - -</i>	9th July 1964
<i>Laid before Parliament</i>	13th July 1964
<i>Coming into Operation</i>	14th July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 3) Order 1964 ; and shall come into operation on 14th July 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 14th July 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 14th July 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 2) Order 1964 be those specified in Schedule 2 to this order.

(a) 4 & 5 Eliz. 2. c. 48.
(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 44.
(d) S.I. 1964/798 (1964 II, p. 1681).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th July 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

We concur.

9th July 1964.

John Hill,
John Peel,

Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

PART I

SURCHARGE RATES FOR SUGAR

Polarisation	Rate of Surcharge per cwt.	
	s.	d.
Exceeding—		
99°	23	4 0
98° but not exceeding 99°	22	0 0
97°	21	5 6
96° " " "	20	10 8
95° " " "	20	4 1
94° " " "	19	9 4
93° " " "	19	2 7
92° " " "	18	8 0
91° " " "	18	1 2
90° " " "	17	6 5
89° " " "	16	11 8
88° " " "	16	5 1
87° " " "	15	11 5
86° " " "	15	5 9
85° " " "	15	0 8
84° " " "	14	7 8
83° " " "	14	2 8
82° " " "	13	9 7
81° " " "	13	5 2
80° " " "	13	0 8
79° " " "	12	8 3
78° " " "	12	3 8
77° " " "	11	11 3
76° " " "	11	6 8
Not exceeding 76°	11	3 0

PART II
SURCHARGE RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge per cwt.
70 per cent. or more	s. d. 14 10
Less than 70 per cent. and more than 50 per cent.	10 8
Not more than 50 per cent.	5 2

SCHEDULE 2
SURCHARGE REPAYMENT RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
More than 80 per cent.	s. d. 17 6
More than 70 per cent. but not more than 80 per cent.	14 10
More than 60 per cent. but not more than 70 per cent.	10 8
More than 50 per cent. but not more than 60 per cent.	8 5
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon	5 2

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes—

- (a) increases equivalent to 4s. 8d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 14th July 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

1964 No. 1065

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
(No. 4) Order 1964**

<i>Made - - - -</i>	<i>9th July 1964</i>
<i>Laid before Parliament</i>	<i>13th July 1964</i>
<i>Coming into Operation</i>	<i>14th July 1964</i>

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order^(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956^(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 4) Order 1964 ; and shall come into operation on 14th July 1964.

(2) The Interpretation Act 1889^(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 14th July 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 3) Order 1964^(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 3) Order 1964^(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 14th July 1964.

(a) S.I. 1964/799 (1964 II, p. 1684).

(b) 4 & 5 Eliz. 2. c. 48.

(c) 10 & 11 Eliz. 2. c. 44.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/1064 (1964 II, p. 2352).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th July 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :—	
	containing not more than 10 per cent. by weight of added sweetening matter	2 4
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	10 4
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :—	
	containing 70 per cent. or more by weight of sweetening matter	14 10
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter ..	10 8
	containing not more than 50 per cent. by weight of sweetening matter	5 2
17.02 (F) ..	Caramel :—	
	Solid	23 4
	Liquid	16 4
17.04	Sugar confectionery, not containing cocoa	19 0
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	13 6
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :—	per cent.
	Biscuits	5
	Other	3

(a) S.I. 1961/403 (1961 I, p. 585).

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 7
20.03	Fruit preserved by freezing, containing added sugar	2½
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 15 4
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	14 8
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 10 2½
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	1 12
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	12
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 15 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 14th July 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 3) Order 1964 (S.I. 1964/1064). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

 S T A T U T O R Y I N S T R U M E N T S

1964 No. 1070

FACTORIES

The Examination of Steam Boilers Reports (No. 1) Order 1964

<i>Made - - - -</i>	10th July 1964
<i>Coming into Operation</i>	16th July 1964

The Minister of Labour by virtue of the powers conferred on him by sections 33(4) and 180(3) of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Examination of Steam Boilers Reports (No. 1) Order 1964 and shall come into operation on 16th July 1964.

(2) The Order made by the Secretary of State on 1st June 1938 prescribing the forms of reports of the results of examinations of steam boilers is hereby revoked.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. A report of the result of every examination of a steam boiler under section 33 of the Factories Act 1961 shall in any of the following cases be in the form and contain the particulars hereinafter specified for that case, that is to say—

(a) in the case of an examination when cold

- (i) of a steam boiler other than an economiser, a superheater, a steam tube oven and a steam tube hotplate, the form and the particulars set out in Part I of Schedule 1 to this Order,
- (ii) of an economiser, the form and the particulars set out in Part II of Schedule 1 to this Order, and
- (iii) of a superheater, the form and the particulars set out in Part III of Schedule 1 to this Order; and

(b) in the case of an examination under normal steam pressure of a steam boiler other than an economiser and a superheater, the form and the particulars set out in Schedule 2 to this Order.

Dated 10th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1

Article 3(a)(i)

PART I

Ministry of Labour

Form F.55

H.M. FACTORY INSPECTORATE

FACTORIES ACT 1961, sections 32—34 and the
Examination of Steam Boilers Regulations 1964

Prescribed form for

**REPORT OF EXAMINATION WHEN COLD OF STEAM BOILERS
OTHER THAN ECONOMISERS, SUPERHEATERS, STEAM TUBE
OVENS, AND STEAM TUBE HOTPLATES**

1 Name of Occupier.	
2 Address of (a) Factory. (b) Head Office of Occupier. <i>Note—Address (b) is required only in the case of a boiler used in a temporary location, e.g., on a building operation, work of engineering construction.</i>	
3 Description and distinctive number of Boiler and type.	
4 If the boiler is one of those described in regulation 4(2), this should be stated and the appropriate sub-paragraph ((a), (b) or (c)) should be given.	
5 Date of Construction. The history should be briefly given, and the examiner should state whether he has seen the last previous report.	
6 Date of last hydraulic test (if any), and pressure applied.	
7 Quality and source of feed water.	
8 Is the boiler in the open or otherwise exposed to the weather or to damp?	
9 Boiler (a) What parts of seams, drums or headers are covered by brickwork? (b) Date of last exposure of such parts for the purpose of examination. (c) What parts (if any) other than parts covered by brickwork and mentioned above were inaccessible? (d) What examination and tests were made? (If there was any removal of brickwork, particulars should be given here.) (e) Condition of boiler { External: (State any defects materially affecting the maximum permissible working pressure.) Internal:	

<p>10 Fittings and Attachments (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?</p>	
<p>11 Repairs (if any) required, and period within which they should be executed, and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.</p>	
<p>12 Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions of working if unusual or exceptionally severe.</p>	
<p>13 Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) Before the expiration of the period specified in 11 overleaf (b) After the expiration of such period if the required repairs have not been completed (c) After the completion of the required repairs</p>	<p>(a) (b) (c)</p>
<p>14 Other observations</p>	

Subject to the reservation (noted above) of certain points for examination under steam pressure,* I certify that on.....the boiler above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined this boiler, including its fittings and attachments, and that the above is a true report of the result.

Signature..... Counter-Signature.....

Qualification.....

Name of Company or Association.....

Address.....

Date.....

Date.....

** Delete if not required. Where the examiner considers this necessary, he may insert in his report on any of the items "subject to further report after examination under normal steam pressure".*

Article 3(a)(ii)

PART II

Ministry of Labour

Form F.56

H.M. FACTORY INSPECTORATE

FACTORIES ACT 1961, sections 32—34 and the
Examination of Steam Boilers Regulations 1964

Prescribed form for

REPORT OF EXAMINATION OF ECONOMISER WHEN COLD

1 Name of Occupier.	
2 Address of Factory.	
3 Description and distinctive number of economiser, type and number of pipes.	
4 If the boiler is one of those described in regulation 4(2), this should be stated and the appropriate subparagraph ((a), (b) or (c)) should be given.	
5 Date of Construction <i>The history should be briefly given, and the examiner should state whether he has seen the last previous report.</i>	
6 Date of last hydraulic test (if any), and pressure applied.	
7 Quality and source of feed water.	
8 Is the economiser exposed to the weather?	
9 Are the dampers in proper working order?	
10 Economisers (a) What parts, if any, are inaccessible? (b) State number of top caps removed at examination. (c) State number of bottom caps removed at examination. (d) What examinations and tests were made? (e) Condition of Economiser. <i>(State any defects materially affecting the maximum permissible working pressure.)</i>	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div> <p>External:</p> <p>Internal:</p> </div> </div>

<p>11 Fittings and Attachments (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?</p>	
<p>12 Repairs (if any) required, and period within which they should be executed, and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.</p>	
<p>13 Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination (due allowance being made for conditions of working if unusual or exceptionally severe).</p>	
<p>14 Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) Before the expiration of the period specified in 12 overleaf (b) After the expiration of such period if the required repairs have not been completed (c) After the completion of the required repairs</p>	<p>(a) (b) (c)</p>

15 Other observations

Subject to the reservation (noted above) of certain points for examination under pressure,* I certify that on.....the economiser above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined this economiser, including its fittings and attachments, and that the above is a true report of the result.

Signature..... Counter-Signature.....

Qualification.....

Name of Company or Association.....

Address.....

Date.....

Date.....

**Delete if not required*

Article 3(a)(iii)

PART III

Ministry of Labour

Form F.57

H.M. FACTORY INSPECTORATE

FACTORIES ACT 1961, sections 32—34 and the
Examination of Steam Boilers Regulations 1964

Prescribed form for

REPORT OF EXAMINATION OF SUPERHEATER WHEN COLD

1 Name of Occupier.	
2 Address of (a) Factory. (b) Head Office of Occupier. <i>Note—Address (b) is required only in the case of a superheater used with a boiler in a temporary location.</i>	
3 Description and distinctive number of superheater and type.	
4 If the boiler is one of those described in regulation 4(2), this should be stated and the appropriate subparagraph ((a), (b) or (c)) should be given.	
5 Date of Construction <i>The history should be briefly given, and the examiner should state whether he has seen the last previous report.</i>	
6 Date of last hydraulic test (if any), and pressure applied.	
7 Superheater (a) What parts are covered by brickwork? (b) Date of last exposure of such parts for the purpose of examination. (c) What parts (if any) other than parts covered by brickwork, were inaccessible? (d) What examination and tests were made? (e) Condition of superheater <i>(State any defects materially affecting the maximum permissible working pressure.)</i>	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div> <p>External:</p> <p>Internal:</p> </div> </div>
8 Fittings and Attachments (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?	

9 Repairs (if any) required, and period within which they should be executed and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.	
10 Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions of working if unusual or exceptionally severe.	
11 Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) Before the expiration of the period specified in 9 overleaf (b) After the expiration of such period if the required repairs have not been completed (c) After the completion of the required repairs	(a) (b) (c)
12 Other observations	

Subject to the reservation (noted above) of certain points for examination under steam pressure,* I certify that on..... the superheater above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined this superheater, including its fittings and attachments, and that the above is a true report of the result.

Signature..... Counter-Signature.....

Qualification.....

Address..... Name of Company or Association.....

Date..... Date.....

*Delete if not required

SCHEDULE 2

Ministry of Labour

Article 3(b)
Form F.55A

H.M. FACTORY INSPECTORATE

FACTORIES ACT 1961, sections 32—34 and the
Examination of Steam Boilers Regulations 1964

Prescribed form for

REPORT OF EXAMINATION OF STEAM BOILER, UNDER NORMAL STEAM PRESSURE

1 Name of Occupier.	
2 Address of (a) Factory. (b) Head Office of Occupier. <i>Note.—Address (b) is required only in the case of a boiler used in a temporary location.</i>	

3 Description and distinctive number of Boiler and type.	
4 If the boiler is one of those described in regulation 4(2), this should be stated and the appropriate sub-paragraph ((a), (b) or (c)) should be given.	
5 Condition (external).	
6 Fittings and Attachments (a) (i) Is the safety valve so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure specified in the last report (F.55) on examination when cold? (ii) (If a lever safety valve.) Is the weight secured on the lever in the correct position? (b) Is the pressure gauge working correctly? (c) Is the water gauge in proper working order?	
7 Repairs (if any) required, and period within which they should be executed and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.	
8 Other observations.	

I certify that on I examined the above-mentioned boiler under normal steam pressure and that the above is a true report of the result.

Signature Counter-Signature

Qualification Name of Company or Association

Address

Date Date

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the forms of reports of examinations of certain steam boilers which are required under section 33 of the Factories Act 1961.

 S T A T U T O R Y I N S T R U M E N T S

1964 No. 1071

CIVIL AVIATION

**The Civil Aviation (Navigation Services Charges) Regulations
1964**

<i>Made - - - -</i>	9th July 1964
<i>Laid before Parliament</i>	16th July 1964
<i>Coming into Operation</i>	1st November 1964

The Minister of Aviation in exercise of the powers conferred on him by sections 4, 5 and 7 of the Civil Aviation (Eurocontrol) Act 1962^(a) and of all other powers enabling him in that behalf, and with the consent of the Treasury in respect of Regulations 4, 5 and 6, hereby makes the following Regulations:—

Citation and Operation

1. These Regulations may be cited as the Civil Aviation (Navigation Services Charges) Regulations 1964 and shall come into operation on 1st November 1964.

Interpretation

2.—(1) In these Regulations

“the Act” means the Civil Aviation (Eurocontrol) Act 1962;

“maximum total weight authorised” means, in relation to an aircraft, the maximum total weight of the aircraft and its contents at which the aircraft may take off in the United Kingdom in the most favourable circumstances in accordance with the certificate of airworthiness for the time being in force in respect of the aircraft; however, if that certificate indicates a maximum total weight at which the aircraft may taxi, that weight shall be taken to be the maximum total weight authorised;

“the specified amount” means, in relation to a landing or take-off, the additional cost incurred by the Minister in providing navigation services by reason of the landing or take-off, as the case may be, being made outside hours;

“the standard charge” means in the case of aircraft other than helicopters a charge of three shillings for each complete 1,000 lb. of the maximum total weight authorised of the aircraft in respect of which the charge is made, and three shillings for each fraction of 1,000 lb. not being less than 500 lb. and in the case of helicopters a charge equal to one half of those amounts;

“within hours” means within the notified hours of watch of the air traffic control unit at the aerodrome, and “outside hours” shall be construed accordingly.

(2) Expressions used in these Regulations shall unless the context otherwise requires have the same respective meanings as in the Air Navigation Order 1960^(b) as amended^(c).

(a) 10 & 11 Eliz. 2. c. 8.

(b) S.I. 1960/972 (1960 I, p. 599).

(c) The relevant amendments are S.I. 1960/2410, 1962/1332, 1963/608, 1488 (1960 I, p. 680; 1962 II, p. 1423; 1963 I, p. 724; II, p. 2620).

(3) The Interpretation Act 1889(a) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Application of Regulations

3. These Regulations shall apply in respect of the following aerodromes, namely, London (Heathrow), London (Gatwick), Stansted, Prestwick, Aberdeen (Dyce), Belfast (Aldergrove), Bournemouth (Hurn), Cardiff (Rhoose), Edinburgh (Turnhouse), Glasgow (Renfrew), Manchester (Ringway), Birmingham (Elmdon) and Liverpool (Speke).

Charges for navigation services

4.—(1) Subject to the provisions of these Regulations, the operator of every aircraft for which navigation services are provided by the Minister in connection with the use of an aerodrome in respect of which these Regulations apply (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the Minister for those services on the occasion specified in the first column of the following table the charges specified in relation to those occasions in the second column thereof:—

TABLE

(1) Upon the landing of the aircraft at that aerodrome within hours	the standard charge.
(2) Upon the landing of the aircraft at that aerodrome outside hours	the standard charge surcharged by 75%, (in the case of a helicopter by 150%) or by the specified amount, whichever is the greater.
(3) Upon the take-off of the aircraft at that aerodrome outside hours, being either (i) a take-off which does not take place within 1 hour of landing or (ii) a take-off which takes place within 1 hour of a landing made within hours	the specified amount or 75% of the standard charge (in the case of a helicopter 150%) whichever is the greater.

(2) Where on the occasion of any landing or take-off (as the case may be) the distance in the case of a landing between the point of take-off and the point of landing and in the case of a take-off between the point of take-off and the point of intended landing does not exceed 115 miles measured along the great circle, for the references to "the standard charge" in the Table in sub-paragraph (1) of this paragraph there shall be substituted references to "half the standard charge".

Services provided outside hours where the intention to land or take-off is not carried out

5. Whenever, by reason of his having received from the operator or commander of an aircraft notice of intention to make use outside hours of an aerodrome in respect of which these Regulations apply for landing or take-off or as an alternate aerodrome, the Minister provides navigation services outside hours but the aircraft does not land or take off there on the occasion specified in the notice, the operator of the aircraft shall pay, in respect of each such aerodrome—

- (a) in the case of an intended landing or intended use of the aerodrome as an alternate aerodrome: an amount equal to the surcharge payable under Regulation 4 of these Regulations on the landing of the aircraft outside hours ;
- (b) in the case of an intended take-off an amount equal to the charge, if any, which would have been payable under Regulation 4 of these Regulations if the aircraft had actually taken off outside hours at the intended time :

Provided that a charge shall not be payable under this Regulation if the notice of intention is cancelled not less than 30 minutes before the end of the last period of watch within hours before the time specified in the notice for landing or for the intended use of the aerodrome as an alternate aerodrome or for take-off as the case may be.

Dispensations

6. The Minister may dispense wholly or in part with any charge payable under Regulations 4 and 5 of these Regulations, if he is satisfied that it is proper to do so in the particular case.

Use of certain records as evidence

7. For the purposes of section 5(1) of the Act (which provides that certain records made by an authority or person designated by the Regulations for the purposes of that subsection shall, if produced from the custody of that authority or person be evidence, and in Scotland sufficient evidence, of the matters appearing from the record), the Minister of Aviation is hereby designated in relation to proceedings to which the said section 5 applies.

Detention of aircraft

8. In the case of default in the payment of any charge payable by an operator under these Regulations, the Minister or an authorised person may take such steps as are necessary to detain, pending payment, the aircraft in respect of which the charge was incurred or any other aircraft of which the person in default is the operator at the time when the detention begins.

Julian Amery,
Minister of Aviation.

9th July 1964.

We consent to the making of these Regulations.

John Peel,
M. A. Hamilton,
Lords Commissioners of Her
Majesty's Treasury.

9th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations for the first time require separate charges (which are specified in the Regulations) to be paid by operators of aircraft using the aerodromes specified in Regulation 3 in respect of navigation services provided by the Minister of Aviation for such aircraft. The charges will be payable from 1st November 1964. Provision is made for detention of aircraft for non-payment of charges.

 STATUTORY INSTRUMENTS

1964 No. 1072

POLICE

**The Police Pensions (Amendment) (No. 2) Regulations
1964**

Laid before Parliament in draft

Made - - - - 9th July 1964

Coming into Operation 1st August 1964

In exercise of the powers conferred on me by sections 1, 3 and 5(4) of the Police Pensions Act 1948(a), as extended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b), sections 29B(4) and 33B of the Police (Scotland) Act 1956(c) (as amended by the Police Act 1964(d)), section 5(3) of the Overseas Service Act 1958(e) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(f), and sections 40 and 43(4) of the Police Act 1964 and Schedule 6 thereto, and after consultation with the Police Councils for England and Wales and for Scotland, I hereby, with the consent of the Treasury, make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. For Regulation 1(4) of the principal Regulations (which provides that an overseas policeman shall not be entitled to an ordinary pension on retirement before completion of his tour of overseas service) there shall be substituted the following provision:—

“(4) This Regulation shall not apply to an overseas policeman or central police officer who retires or retired before the completion of the tour of overseas service or, as the case may be, of central service (if any), applicable in his case.”

2. In Regulation 4(4) of the principal Regulations (which relates to a policeman's supplemental pension) for the words “Regulation 5 or 7” there shall be substituted the words “Regulation 5, 5A or 7”.

3. For Regulation 5(1) of the principal Regulations (which relates to the commutation of part of a pension) there shall be substituted the following provision:—

“(1) This Regulation shall apply to a regular policeman who retires or retired on or after 14th April 1958 but before 1st August 1964.”

4. After Regulation 5 of the principal Regulations there shall be inserted the following Regulation:—

“New provisions as to commutation of part of a pension

5A.—(1) This Regulation shall apply to a regular policeman who retires on or after 1st August 1964.

(a) 11 & 12 Geo. 6. c. 24.
(d) 1964 c. 48.

(b) 14 & 15 Geo. 6. c. 65.
(e) 6 & 7 Eliz. 2. c. 14.

(c) 4 & 5 Eliz. 2. c. 26.
(f) 9 & 10 Eliz. 2. c. 35.

(2) A regular policeman to whom this Regulation applies may, in accordance with the provisions thereof, commute for a lump sum a portion of any pension, other than a supplemental pension, to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires or retired either when entitled to reckon at least 30 years' pensionable service or in the circumstances mentioned in sub-paragraph (a) or (b) of Regulation 3(1).

(3) For the purpose of commuting a portion of his pension a person shall give notice in writing (in this Regulation called 'notice of commutation') to the police authority of his wish to surrender and commute for a lump sum such portion of his pension, not exceeding a quarter of the pension which would be payable but for the provisions of Regulation 7, as (subject to the limitation contained in Regulation 8) he may specify.

(4) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(5) The notice of commutation given by a person shall become effective—

(a) as from the date of his retirement ; or

(b) as from the date on which the notice is received by the police authority,

whichever is the later :

Provided that the notice of commutation shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Regulation 44.

(6) Where a person retires or has retired and a notice of commutation given by him becomes or has become effective, the police authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary :

Provided that where the notice is effective as from the date mentioned in paragraph (5)(b), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(7) Where the unsecured portion of an ill-health pension is terminated under Regulation 44, after a notice of commutation in relation to the pension has become effective—

(a) no reduction shall be made under paragraph (6) in the secured portion of the pension, insofar as it is payable under Regulation 44 ;

(b) if thereafter the person concerned becomes entitled to a pension, other than a supplemental pension, and is entitled to reckon for the purposes thereof the period of pensionable service reckonable for the purposes of the ill-health pension first mentioned in this paragraph, the unsecured portion of the other pension shall be reduced by the amount by which the ill-health pension would have been reduced if it had not been terminated as aforesaid.

(8) Where a person wishes to surrender and commute for a lump sum a portion of a pension which falls to be reduced under paragraph (7)(b), he shall not specify in the notice of commutation a portion of the pension which, when aggregated with the said reduction, exceeds a quarter of the pension which would be payable but for the provisions of paragraph (7)(b) and of Regulation 7.

(9) A notice of commutation given before 1st August 1964 for the purposes of Regulation 5 shall have effect for the purposes of this Regulation as if it had been given hereunder unless the person otherwise elects by notice in writing given to the police authority before the date of his retirement; and where he so elects he may give a fresh notice of commutation under this Regulation.”.

5. For Regulation 7 of the principal Regulations (which relates to the allocation of part of a pension) there shall be substituted the following Regulation:—

“ Current provisions as to allocation of part of a pension

7.—(1) This Regulation shall apply to a regular policeman who retires or retired on or after 14th April 1958.

(2) A regular policeman to whom this Regulation applies and who is entitled to reckon not less than 25 years' pensionable service may, in accordance with the provisions thereof, allocate a portion of any pension, other than a supplemental pension, to which he may become entitled and, notwithstanding that he has already allocated a portion of such a pension, he may—

(a) allocate a further portion of that pension in favour of the beneficiary of the previous allocation; or

(b) where that beneficiary has died, allocate a further portion of that pension in favour of some other beneficiary.

(3) A regular policeman to whom this Regulation applies may, in accordance with the provisions thereof, allocate a portion of a short service pension.

(4) For the purpose of allocating a portion of his pension a person shall—

(a) give notice in writing (in this Regulation called ‘notice of allocation’) to the police authority of the force in which he is serving stating—

(i) his wish to surrender such portion of his pension as, subject to the limitations contained in paragraph (5) and in Regulation 8, he may specify,

(ii) the person in whose favour the surrender is to take effect (in this Regulation called ‘the beneficiary’), being his wife or some other person who the police authority are satisfied is substantially dependent on him,

(iii) in the case of an allocation by a person entitled to reckon not less than 25 years' pensionable service, whether the notice of allocation is to become effective in accordance with sub-paragraph (a) or (b) of paragraph (6); and

(b) satisfy the police authority of his good health and for that purpose submit himself to such medical examination as they may require.

Except where, in such case as is mentioned in sub-paragraph (a)(iii), the notice of allocation is to become effective in accordance with paragraph (6)(a), the notice shall be given not earlier than 2 months before the person's intended retirement.

(5) The total portion of a pension which may be surrendered by a person under this Regulation shall not exceed a third of the pension which would be payable in his case but for the provisions of this Regulation, of Regulation 5, of Regulation 5A and of Part IV of Schedule 1.

(6) Where a person has complied with the provisions of sub-paragraphs (a) and (b) of paragraph (4), the police authority shall forthwith send to him a written notification that they have accepted the notice of allocation, which shall become effective—

(a) in the case of an allocation by a person who was entitled to reckon not less than 25 years' pensionable service when he gave the notice of allocation and stated therein that the notice should become effective in accordance with this sub-paragraph—

(i) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(ii) as from the date of his retirement,

whichever is the earlier ;

(b) in any other case, if, and only if, he retires within 2 months of giving the notice of allocation and in such case as from the date of retirement.

(7) Where a person retires or has retired and a notice of allocation given by him becomes or has become effective—

(a) the pension to which the notice relates shall be reduced in accordance with the notice as from the date from which it is payable (notwithstanding the death before that date of the beneficiary specified in the notice) ; and

(b) the police authority shall, as from the person's death, pay to the beneficiary specified in the notice, if that person survives him, a pension of such amount as is the actuarial equivalent of the surrendered portion of the pension so specified.

(8) For the purposes of paragraph (7)(b) the actuarial equivalent of the surrendered portion of the pension shall be calculated from tables prepared by the Government Actuary and in force at the time when the notice of allocation became effective, which tables shall—

(a) take account of the age of the regular policeman and of the age of the beneficiary at that time ; and

(b) make different provision according to whether the notice of allocation became effective in accordance with sub-paragraph (a) or (b) of paragraph (6),

and separate calculations shall be made in respect of separate allocations.

(9) Where a person was entitled to reckon at least 25 years' pensionable service when he gave the notice of allocation and stated therein that it should become effective in accordance with paragraph (6)(a), then, if he

dies or died before retiring, the police authority shall pay to the beneficiary the like pension as they would have paid by virtue of that notice if he had retired immediately before he died.

(10) Without prejudice to the generality of Regulation 104, the allocation of a portion of a pension, the giving of a notice or any other thing done under any provision of the former Regulations corresponding to this Regulation shall have effect for the purposes of this Regulation as if it had been done hereunder.

(11) Any reference in these Regulations to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Regulation."

6. In Regulation 8 of the principal Regulations (which limits the right to commute or allocate part of a pension) after the words "Regulation 5" there shall be inserted the words "or 5A".

7. For Regulation 12(2) of the principal Regulations (which relates to widows' special pensions) there shall be substituted the following provisions:—

"(2) A widow to whom this Regulation applies shall be entitled to a widow's special pension.

(3) Without prejudice to Regulation 12A(2), a widow's special pension shall be calculated in accordance with Part III of Schedule 2, subject however to Part V of that Schedule."

8. After Regulation 12 of the principal Regulations there shall be inserted the following Regulation:—

"Widow's augmented award where husband's death results from an attack

12A.—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died on or after 5th July 1948 as the result of an injury received without his own default in the execution of his duty where he is or was attacked by a person or persons in a manner which in the opinion of the police authority is or was intrinsically likely to cause death and death ensues as a result of the attack.

(2) A widow's special pension payable to a widow to whom this Regulation applies shall be calculated in accordance with Part IV of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part III of Schedule 2, subject however, in either case, to Part V of that Schedule.

(3) A widow to whom this Regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay (at the date of the death of the person in respect of whom the gratuity is payable) of a man holding the rank of constable in a police force and entitled to reckon 30 years' service for the purposes of pay."

9. In Regulation 18(2) of the principal Regulations (which contains limitations on a widow's entitlement to a special pension) after the words "widow's special pension" there shall be inserted the words "or a gratuity under Regulation 12A(3)".

10. After Regulation 22 of the principal Regulations there shall be inserted the following Regulation:—

“ Child’s gratuity where parent dies as a result of an attack

22A.—(1) This Regulation shall apply to a child of a member of a police force who dies on or after 1st August 1964 in the circumstances mentioned in Regulation 12A(1) and—

- (a) in the case of a man, does not leave a widow entitled to a gratuity under Regulation 12A(3), or
- (b) in the case of a woman, was the child’s only surviving parent :

Provided that this Regulation shall apply to a child who at the date of the parent’s death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) A child to whom this Regulation applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child’s special allowance.

(3) The gratuity under paragraph (2) shall be of the like amount as a widow’s gratuity under Regulation 12A(3) except that, where two or more gratuities are payable under paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.”.

11. At the end of Regulation 26 of the principal Regulations (which contains limitations on a child’s entitlement to an allowance) there shall be added the following paragraph:—

“(4) This Regulation shall apply in relation to a child’s gratuity under Regulation 22A(2) as it applies in relation to a child’s special allowance.”.

12. In Regulation 29(2) of the principal Regulations (which provides that certain gratuities shall be ignored for the purpose of the provision preventing double entitlement to awards) for the words “Regulation 17(3)” there shall be substituted the words “Regulation 12A(3), 17(3) or 22A(2)”.

13. At the end of Regulation 53 of the principal Regulations (which relate to appeals by overseas policemen) there shall be added the following paragraph:—

“(9) This Regulation shall apply in relation to—

- (a) an inspector or assistant inspector of constabulary ; or
- (b) a central police officer,

as it applies in relation to an overseas policeman.”.

14. For Regulation 55(3) of the principal Regulations (which relates to payments by or to the Secretary of State as police authority in relation to an overseas policeman) there shall be substituted the following provision:—

“(3) All payments by or to the Secretary of State, by reason that he is treated as the police authority in relation to—

- (a) an overseas policeman ;
- (b) an inspector or assistant inspector of constabulary ; or
- (c) a central police officer,

shall be paid out of moneys provided by Parliament or, as the case may be, into the Exchequer.”.

15.—(1) After the definition of “average pensionable pay” in Regulation 88 of the principal Regulations (which defines certain expressions) there shall be inserted the following definitions:—

“‘central police officer’ means a member of a home police force engaged on central service who enjoys a right of reversion under section 29B(1) of the Police (Scotland) Act 1956 or section 43(1) of the Police Act 1964, as the case may be ;

‘central service’ means temporary service under the Crown performed on or after 1st August 1964, being such service as is mentioned in section 29B(5) of the Police (Scotland) Act 1956 or section 43(5) of the Police Act 1964 ;”

(2) At the end of the definition of “member of a police force” in the said Regulation 88 there shall be added the following sub-paragraphs:—

“(d) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964 ; and

(e) a central police officer ;”

(3) For the definition of “regular policeman” in the said Regulation 88 there shall be substituted the following definition:—

“‘regular policeman’ means—

(a) a member of a home police force who is not an auxiliary policeman ;

(b) an overseas policeman who is a reversionary member of a home police force ;

(c) an inspector or assistant inspector of constabulary appointed on or after 1st August 1964 ; and

(d) a central police officer ;”

(4) After the definition of “superintendent” in the said Regulation 88 there shall be inserted the following definition:—

“‘tour of central service’ means the period of central service for which a central police officer has engaged with the consent of the appropriate authority for the purposes of section 29B of the Police (Scotland) Act 1956 or section 43 of the Police Act 1964, as the case may be, and, if such a period has been varied, means the period as so varied, so however that where the officer engaged for an indefinite period of central service the said expression means his actual period of such service ;”

16. For Regulation 90 of the principal Regulations (which relates to the meaning of certain expressions in relation to overseas policemen) there shall be substituted the following Regulation:—

“Meaning of certain expressions in relation to persons who are not members of a home police force

90.—(1) A reference in these Regulations to a rank, being a rank in a home police force, shall, in relation to a member of an overseas corps, be construed as a reference to such rank in that corps as the Secretary of State may from time to time direct.

(2) For the purposes of these Regulations—

(a) an overseas policeman who is not a member of an overseas corps ;
or

(b) a central police officer,

shall be deemed to hold the rank in which he is entitled to revert to his home police force at the end of his tour of overseas service or, as the case may be, of central service.

- (3) For the purposes of these Regulations—
- (a) an inspector of constabulary shall be deemed to hold the rank and office of chief constable ;
 - (b) an assistant inspector of constabulary shall be deemed to hold the rank of chief superintendent.
- (4) Except where the context otherwise requires, for the purposes of these Regulations—
- (a) an overseas policeman who is not a member of an overseas corps shall be deemed to be a member of such a corps ;
 - (b) an inspector or assistant inspector of constabulary or a central police officer shall be deemed to be a member of a home police force ;
- and any reference to such a person joining or leaving a police force or transferring from one force to another, however expressed, shall be construed accordingly.
- (5) A reference in these Regulations to the police authority shall be construed in relation to—
- (a) an overseas policeman ;
 - (b) an inspector or assistant inspector of constabulary ; or
 - (c) a central police officer,
- as a reference to the Secretary of State.”.

17. In these Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(a) as amended(b).

18. These Regulations may be cited as the Police Pensions (Amendment) (No. 2) Regulations 1964 and shall come into operation on 1st August 1964.

Henry Brooke.

One of Her Majesty's Principal
Secretaries of State.

9th July 1964.

We consent,

John Hill,

John Peel,

Two of the Lords Commissioners of
Her Majesty's Treasury.

9th July 1964.

(a) S.I. 1962/2756 (1962 III, p. 3785).

(b) There is no amendment which relates to the subject matter of these Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Police Pensions Regulations 1962.

Regulations 1, 13, 14, 15 and 16 relate to inspectors of constabulary (including assistant inspectors) appointed on or after 1st August 1964 and to policemen in the temporary service of the Crown on or after that date. It is provided that these officers shall be treated as members of a police force for the purposes of the 1962 Regulations (Regulation 15(1) and (2)) and so pensionable thereunder. Detailed provision is made for the application of the 1962 Regulations in their case similar to the existing provision in the case of overseas policemen; in particular it is provided that the 1962 Regulations shall apply in relation to them as if the Secretary of State were their police authority (Regulation 16).

Regulation 4 introduces new arrangements for the commutation of part of a pension for a lump sum. The principal change is that the policeman concerned no longer has to satisfy the police authority of his good health. Regulations 2, 3 and 6 contain incidental and consequential amendments.

Regulation 5 introduces new arrangements for the allocation of part of a pension in favour of a dependant. The principal change is to permit a policeman who has already allocated a part of his pension to allocate a further part in favour of another dependant if the beneficiary of the first allocation dies.

Under the 1962 Regulations a widow of a member of a police force is entitled to a pension payable at a special rate if her husband dies as a result of an attack intrinsically likely to cause death. Regulation 8 of the present Regulations provides that where he dies on or after 1st August 1964 she shall, in addition, be entitled to a gratuity of an amount equal to twice the annual pay of a constable with 30 years' service. Regulation 10 provides that the like amount shall be payable by way of gratuities to the children of a member who dies in these circumstances but does not leave a widow or, in the case of a policewoman, was the only surviving parent. Such a child's gratuity is payable in addition to a child's special allowance. Regulations 7, 9, 11 and 12 contain incidental and consequential amendments.

1964 No. 1076

THERAPEUTIC SUBSTANCES**The Therapeutic Substances (Manufacture and Importation)
General (Amendment) Regulations 1964**

<i>Made - - - -</i>	<i>11th July 1964</i>
<i>Laid before Parliament</i>	<i>17th July 1964</i>
<i>Coming into Operation</i>	<i>20th July 1964</i>

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by sections 1 and 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

Citation, Commencement and Interpretation

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture and Importation) General (Amendment) Regulations 1964, and shall come into operation on 20th July 1964.

(2) The Therapeutic Substances (Manufacture and Importation) General Regulations 1963(b) and these regulations may be cited together as the Therapeutic Substances (Manufacture and Importation) General Regulations 1963 and 1964.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the Therapeutic Substances (Manufacture and Importation) General Regulations 1963

2. The Therapeutic Substances (Manufacture and Importation) General Regulations 1963 shall be amended as follows:—

(a) For paragraph 1(3) of schedule 2 (which relates to tests for sterility) there shall be substituted the following sub-paragraph—

“ (3) In the case of every substance which is itself bactericidal or bacteriostatic, and of every preparation to which a bactericide or bacteriostatic has been added, either—

(a) there shall be added to the sample before it is tested—

(i) such a volume of medium as will dilute either the substance itself or the added bactericide or bacteriostatic so as to render it ineffective, or

(ii) such a substance in such concentration as will neutralise the bactericidal or bacteriostatic activity of the substance or preparation being tested without inhibiting the growth of micro-organisms ; or

(a) 4 & 5 Eliz. 2. c. 25.

(b) S.I. 1963/1450 (1963 II, p. 2483).

(c) 52 & 53 Vict. c. 63.

(b) a solution of the sample shall be made and passed through a membrane filter with an average pore diameter not greater than 0.75 microns, the filter shall be suitably washed to remove bactericidal or bacteriostatic activity and the membrane shall then be tested in the manner prescribed by paragraph 2 of this schedule, but in that event the reference in sub-paragraph (2) thereof to the inoculation of specified quantities of the sample into a tube or other vessel containing the medium shall be construed as a reference to the placing of the whole membrane into such tube or vessel, and the provisions of sub-paragraph (3) thereof shall not apply.”;

(b) For paragraph 2(4) of schedule 2 (which prescribes the method of testing for sterility) there shall be substituted the following sub-paragraph—

“(4) The inoculated tubes or vessels shall be incubated between 30°C. and 32°C. for 7 days and examined during and after incubation, and durable records shall be kept of the results of the examination of each tube.”;

(c) In paragraph 3(ii) of schedule 2 for the words “ 5 days ; ” there shall be substituted the words “ 7 days ; ”.

These regulations were made by the aforesaid Joint Committee on 11th July 1964.

Anthony Barber,

Michael Noble,

Wm. J. Morgan,

Members of the Joint Committee.

Wilfred Turner,

Clerk to the Joint Committee.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations make minor amendments in connection with sterility testing of therapeutic substances so as to bring the statutory requirements for such testing into conformity with recent advances in manufacturing practice.

1964 No. 1077

THERAPEUTIC SUBSTANCES**The Therapeutic Substances (Manufacture of Sera and Antitoxins) Amendment Regulations 1964**

<i>Made - - - -</i>	11th July 1964
<i>Laid before Parliament</i>	17th July 1964
<i>Coming into Operation</i>	20th July 1964

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by section 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

Citation, Commencement and Interpretation

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Sera and Antitoxins) Amendment Regulations 1964, and shall come into operation on 20th July 1964.

(2) The Therapeutic Substances (Manufacture of Sera and Antitoxins) Regulations 1963(b) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Sera and Antitoxins) Regulations 1963 and 1964.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the Therapeutic Substances (Manufacture of Sera and Antitoxins) Regulations 1963

2. The Therapeutic Substances (Manufacture of Sera and Antitoxins) Regulations 1963 shall be amended as follows:—

(a) After regulation 41 there shall be inserted the following regulations:—

“ PART XI**SPECIAL PROVISIONS RELATING TO MIXED GAS GANGRENE ANTITOXIN***Definition and proper name*

42. Mixed gas gangrene antitoxin is a mixture of the antitoxic globulins, or derivatives thereof, of gas gangrene antitoxin (Welchii), gas gangrene antitoxin (septicum) and gas gangrene antitoxin (oedematiens), which are respectively defined in regulations 30, 34 and 38 of these regulations. Its proper name is “ mixed gas gangrene antitoxin ”.

Strength

43. A solution of mixed gas gangrene antitoxin which has a potency of less than 1,000 units per millilitre of gas gangrene antitoxin (Welchii), 500 units per millilitre of gas gangrene antitoxin (septicum) and 1,000 units per millilitre of gas gangrene antitoxin (oedematiens) shall not be issued.

(a) 4 & 5 Eliz. 2. c. 25.

(b) S.I. 1963/1457 (1963 II, p. 2548).

(c) 52 & 53 Vict. c. 63.

Quality

44. A solution of the antitoxic globulins, or of derivatives thereof, shall not contain more than 0.1 gramme of solid matter for each volume of the mixture comprising 500 units of gas gangrene antitoxin (Welchii), 250 units of gas gangrene antitoxin (septicum) and 500 units of gas gangrene antitoxin (oedematiens)."

- (b) The existing part XI (Special Provisions relating to Staphylococcus Antitoxin) and the existing regulations 42 and 43 shall be renumbered XII, 45 and 46 respectively.

These regulations were made by the aforesaid Joint Committee on 11th July 1964.

Anthony Barber,

Michael Noble,

Wm. J. Morgan,

Members of the Joint Committee.

Wilfred Turner,

Clerk to the Joint Committee.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations extend the provisions of the Therapeutic Substances (Manufacture of Sera and Antitoxins) Regulations 1963 to mixed gas gangrene antitoxin, made up of the single gas gangrene antitoxins mentioned in parts VIII, IX and X of those regulations, and make special provisions relating to the mixed antitoxin.

1964 No. 1079

INDUSTRIAL TRAINING**The Industrial Training (Construction Board) Order 1964**

<i>Made</i> - - - - -	13th July 1964
<i>Laid before Parliament</i>	20th July 1964
<i>Coming into Operation</i>	21st July 1964

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Construction Board) Order 1964 and shall come into operation on 21st July 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Construction Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the construction industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 13th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1

THE CONSTRUCTION INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the construction industry are the following activities in so far as they are carried out in Great Britain:—

(a) all operations in—

- (i) the construction, alteration, repair or demolition of a building ;
- (ii) the construction or demolition of a railway-line, siding or monorail ;
- (iii) the construction, structural alteration, repair or demolition of any aerodrome, airport, bridge, road, viaduct, dock, harbour, pier, quay, wharf, coast protection, river or drainage work, aqueduct, canal, inland navigation, reservoir, waterworks, bore-hole, well (other than an oil-well), filter bed, sewage works, sewer, cooling tower or pond, tunnel, heading, adit, chimney, furnace, carbonising or gas-making plant, nuclear or thermal power station, hydro-electric station, electric line or any structure designed for its support, cable trench or duct, oil refinery, pipe-line or defence installation ;
- (iv) the preparation of the site or the laying down of a foundation or sub-structure in connection with any of the above-mentioned operations or with the erection of structural metalwork ;
- (v) the construction of a swimming pool or other bathing place, or of a playing field or ground for sporting or recreational purposes, or the laying out of a cemetery ;
- (vi) the provision or continued provision for any building or other construction or work above-mentioned of water, gas, electricity, lighting, heating or ventilation, being operations undertaken in, upon, above or under the building or the close, curtilage or precincts thereof, or such construction or work, or any site above-mentioned ;
- (vii) the erection or dismantling of fencing, hoarding or scaffolding ;

(b) the preparation of stone for building purposes ;

(c) all operations in the manufacture of—

- (i) a pre-fabricated building or section of a building, not being constructed wholly or mainly from metal, or plastics material, or from a combination of metal and plastics material ;
- (ii) doors, window frames, built-in storage units, stairs or curtain walling being in each case constructed wholly or mainly from wood ; or
- (iii) bank, church, laboratory or other joinery ;

(d) the construction of shop, office or similar fittings on the premises on which they are to be installed ;

(e) the erection or dismantling of exhibition stands ;

(f) the hiring out of contractors' plant or scaffolding ;

(g) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—

- (i) research, development, design or drawing ;
- (ii) operations in connection with sale, packing, warehousing, distribution or transport ;
- (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage ;

(h) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the construction industry:—

- (a) the activities of any establishment (not being that of a local authority) engaged mainly in one or more activities not included in paragraph 1 of this Schedule ;
- (b) the activities included in paragraph 1(g) of this Schedule when carried out by a local authority ;
- (c) the activities of—
- (i) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board ;
 - (ii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board ;
 - (iii) the Gas Council or an Area Gas Board ;
 - (iv) a harbour authority within the meaning of the Harbours Act 1964(a) when acting in that capacity ;
 - (v) a statutory water undertaker within the meaning of the Water Act 1945(b) (other than Part II of that Act) or a local water authority within the meaning of the Water (Scotland) Act 1946(c) being the activities of such undertaker or authority in the exercise of its powers or duties as such ;
- (d) the activities of any establishment engaged wholly or mainly in—
- (i) the erection of steel or other metal framework of buildings ; or
 - (ii) the erection of structures made wholly or mainly of steel or other metal (not being electric lines or structures designed for the support thereof, fencing, hoarding or scaffolding); or
 - (iii) the provision by a local authority of a road transport passenger service ; or
 - (iv) the installation, testing, inspection or repair of any machinery or plant, not being operations included in paragraph 1(a)(vi) of this Schedule ;
- (e) the supply of food or drink for immediate consumption ;
- (f) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944(d) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work) ; or
- (g) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act 1958(e), or under section 29 of the National Assistance Act 1948(f), as extended by section 8(2) of the Mental Health Act 1959(g) and section 8(2) of the Mental Health (Scotland) Act 1960(h), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(i)), or under section 28 of the National Health Service Act 1946(j) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(k) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3.—(1) In this Schedule—

- (a) “ building ” includes any structure or erection (other than a tent or caravan) and any part of a building as so defined ;

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|---------------------------|----------------------------|-----------------------------|
| (a) 1964 c. 40. | (b) 8 & 9 Geo. 6. c. 42. | (c) 9 & 10 Geo. 6. c. 42. |
| (d) 7 & 8 Geo. 6. c. 10. | (e) 6 & 7 Eliz. 2. c. 33. | (f) 11 & 12 Geo. 6. c. 29. |
| (g) 7 & 8 Eliz. 2. c. 72. | (h) 8 & 9 Eliz. 2. c. 61. | (i) 10 & 11 Eliz. 2. c. 24. |
| (j) 9 & 10 Geo. 6. c. 81. | (k) 10 & 11 Geo. 6. c. 27. | |

- (b) "company", "holding company" and "subsidiary" have the same meanings as in section 154 of the Companies Act 1948(a);
- (c) "electric line" means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity, or any apparatus connected therewith;
- (d) "local authority" means in England and Wales a local authority within the meaning of the Local Government Act 1933(b), a local authority within the meaning of the London Government Act 1939(c), or the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh or a district council;
- (e) "manufacture" includes assembly or any process or operation incidental or appertaining to manufacture or assembly;
- (f) "pipe-line" means a pipe or system of pipes (together with any apparatus or works associated therewith) for the conveyance of anything, but does not include a pneumatic despatch tube;
- (g) "plastics material" means any material made wholly or mainly by addition, polyaddition, condensation, polycondensation, polymerisation, copolymerisation, esterification or other similar chemical process, or regenerated or modified cellulose, or hardened proteins, or natural resin modified by fusion or esterification;
- (h) "repair" in relation to a building includes maintenance, re-pointing, re-decoration and external cleaning;
- (i) "section of a building" includes composite framed or laminated woodwork absorbing calculated stresses applied direct or from attached non-loadbearing portions of a structure.
- (2) For the purposes of this Schedule, an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister; or

(b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I of in the county of being a member of the Construction Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint of or failing him of as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the day of 19... and at any adjournment thereof.

Signed this day of 19...

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the

Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Construction Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

1964 No. 1080

WAGES COUNCILS**The Wages Regulation (General Waste Materials Reclamation) Order 1964**

<i>Made - - - -</i>	<i>13th July 1964</i>
<i>Coming into Operation</i>	<i>31st July 1964</i>

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the General Waste Materials Reclamation Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (General Waste Materials Reclamation) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 31st July 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (General Waste Materials Reclamation) Order 1963(c) shall cease to have effect.

Dated 13th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (General Waste Materials Reclamation) Order 1963(a) (Order D.B. (60)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV is:—

- (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
- (2) in the case of a male worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker ;
- (3) in the case of a female worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part III of this Schedule :

Provided that, where a guaranteed time rate is applicable to a female worker under paragraph 8 and the remuneration calculated on a time work basis at that rate exceeds the remuneration calculated under sub-paragraph (3) of this paragraph on the basis of the said piece rates, the worker shall be paid not less than that guaranteed time rate.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to male workers employed in any section of the trade are:—

							Per hour
							s. d.
Aged under 16 years ...	...	...	...	...	...	...	1 5½
" 16 and under 17 years	...	...	...	...	...	...	1 11½
" 17 " 18	"	...	...	...	...	...	2 4½
" 18 " 19	"	...	...	...	...	...	3 0½
" 19 " 20	"	...	...	...	...	...	3 7
" 20 " 21	"	...	...	...	...	...	4 1½
" 21 years or over	...	...	...	...	...	...	4 3½

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

3. Subject to the provisions of paragraphs 4 and 9, the general minimum time rates payable to female workers employed—

- (1) wholly or mainly on one or more of the operations of the sorting or grading of either woollen rags or woollen and worsted waste materials, or of both such rags and materials, to shade or quality or to both shade and quality, or

(2) in receiving, stripping, packing, compressing, teagling, craning, despatching or warehousing, when carried on in, or in association with, or in conjunction with, any establishment or department in which the sorting or grading of either woollen rags or woollen and worsted waste materials, or of both such rags and materials, to shade or quality or to both shade and quality, constitutes the sole or main work of the establishment or department,

are as follows:—

								Per hour	
								s.	d.
Aged under 16 years	...	...	...	...	...	...	...	1	6½
" 16 and under 16½ years	...	...	...	...	...	...	...	2	0½
" 16½ " " 17 "	...	...	...	...	...	...	...	2	7½
" 17 " " 17½ "	...	...	...	...	...	...	...	2	8½
" 17½ " " 18 "	...	...	...	...	...	...	...	3	2½
" 18 years or over	...	...	...	...	...	...	...	3	4

4. Notwithstanding the provisions of paragraph 3, where a worker is employed for the first time after reaching the age of 18 years on any work therein mentioned and her employer causes her to be well and sufficiently instructed in the sorting and grading of woollen rags or woollen and worsted waste materials and of both such rags and materials, to shade or quality or to both shade and quality, the general minimum time rate payable during the periods following shall be:—

		Per hour	
		s.	d.
(1) during the first three months of such employment	...	3	2
(2) during the second three months of such employment	...	3	2½

5. Subject to the provisions of paragraphs 6 and 9, the general minimum time rates payable to female workers other than the workers specified in paragraph 3 or 4 are as follows:—

								Per hour	
								s.	d.
Aged under 16 years	...	...	...	...	...	...	...	1	6½
" 16 and under 16½ years	...	...	...	...	...	...	...	1	11½
" 16½ " " 17 "	...	...	...	...	...	...	...	2	6
" 17 " " 17½ "	...	...	...	...	...	...	...	2	7
" 17½ " " 18 "	...	...	...	...	...	...	...	3	1
" 18 years or over	...	...	...	...	...	...	...	3	2½

6. Notwithstanding the provisions of paragraph 5, where a worker is employed for the first time after reaching the age of 18 years and her employer causes her to be well and sufficiently instructed in the sorting and grading of waste paper, rags, and paper-making materials, or of paper-making materials, the general minimum time rate payable during the periods following shall be:—

		Per hour	
		s.	d.
(1) during the first three months of such employment	...	3	0½
(2) during the second three months of such employment	...	3	1

PIECE WORK BASIS TIME RATES

7. The following piece work basis time rates are applicable to female workers employed on piece work:—

		Per hour	
		s.	d.
(1) the workers specified in paragraph 3 or 4	...	3	5
(2) all other workers	...	3	3½

GUARANTEED TIME RATE

8. The guaranteed time rate applicable to a female worker specified in paragraph 4 or 6 when employed on piece work during the period of six months therein mentioned is a rate equal to the general minimum time rate which would be payable to her if she were employed on time work.

DETERMINATION OF AGE RATES

9. The general minimum time rate payable under paragraph 3 or 5 to a female worker aged under 18 years shall be determined (1) during the period 1st January to 30th June in any year by reference to her age or prospective age on 31st March in that year; and (2) during the period 1st July to 31st December in any year by reference to her age or prospective age on 30th September in that year:

Provided that the rate for a female worker aged 17½ and under 18 years having become payable under the provisions of this paragraph shall continue to be payable only until her 18th birthday.

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

10. Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

(1) On any day other than a Saturday, Sunday or customary holiday—

(a) for the first 2 hours worked in excess of 7½ hours on a Monday, Tuesday, Wednesday or Thursday, or in excess of 7¼ hours on a Friday time-and-a-quarter

(b) thereafter time-and-a-half

Provided that where it is, or may become, the established practice of the employer to require the worker's attendance only on Monday, Tuesday, Wednesday, Thursday and Friday in the week, the foregoing minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable—

(i) after 8½ and 10½ hours' work respectively on a Monday, Tuesday, Wednesday or Thursday;

(ii) after 8 and 10 hours' work respectively on a Friday.

(2) On a Saturday, not being a customary holiday—

(a) for the first 2 hours worked in excess of 3½ hours time-and-a-quarter

(b) thereafter time-and-a-half

(3) On a Sunday or a customary holiday, for all time worked double time

(4) In any week, for all time worked in excess of 42 hours, exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph time-and-a-quarter

11. In this Part of this Schedule—

(1) the expression "customary holiday" means—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such other week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday, and any day proclaimed to be a national holiday;

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three other days (being days on which the worker normally works) in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday, and any day proclaimed to be a national holiday ;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being either a day recognised by local custom as a day of holiday in substitution for the said day, or a day agreed between the employer and the worker or his representative.

(2) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the general minimum time rate otherwise applicable to the worker ;

(b) in the case of a female worker employed on piece work :—

(i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1(3) ;

(c) in the case of a male worker employed on piece work :—

(i) a time rate equal respectively to one quarter, one half and the whole of the general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and, in addition thereto,

(ii) the minimum remuneration otherwise applicable to the worker under paragraph 1(2).

WAITING TIME

12.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances :—

(a) without the employer's consent, express or implied ;

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;

(c) by reason only of the fact that he is resident thereon ;

(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

13. This Schedule does not apply to male workers engaged in the loading or discharging of water-borne craft in any section of the trade, but, save as aforesaid, this Schedule applies to workers in relation to whom the General

Waste Materials Reclamation Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Waste Materials Reclamation Trade (General Waste Branch) specified in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (General Waste Branch) (Constitution and Proceedings) Regulations 1933^(a), which Schedule reads as follows:—

“ 1. For the purposes of this Schedule:—

The expression ‘reclamation’ means all operations (including the operations of willowing and garnetting) performed on any waste material or waste article.

The expression ‘general waste materials establishment’ means an establishment in which the operations specified in paragraph 2(a) hereof and operations connected therewith constitute the principal business carried on.

The expression ‘establishment’ means any establishment or any branch or department of an establishment.

2. Subject to the provisions of this Schedule the General Waste branch of the Waste Materials Reclamation trade consists of the following operations—

(a) reclamation wherever performed of any of the following waste materials or waste articles, that is to say:—rags, waste paper and paper salvage (including paper damaged by fire, newspaper reel-ends, damaged paper reels, outer wrappers of reels and news off-cuts), paper stock, woollen, worsted, flax, or other textile waste (not being jute or cotton waste), textile clippings or cuttings, used bags, used sacks, used sackings, or used tares, scrap rubber, scrap iron or other scrap metals (other than unbroken heavy machinery or plant), fur cuttings, rabbit skins, bones and fat, used tins, used bottles or jars, old ropes or string and broken glass or earthenware;

(b) reclamation of any other waste material or article where performed in or in connection with a general waste materials establishment;

(c) making (whether from new or waste material) or repairing sacks or bags in a general waste materials establishment except where the bags are made or repaired:—

(i) otherwise than for use in the establishment, and

(ii) in an establishment wholly or mainly engaged in the making or repairing of sacks or bags;

and operations connected therewith.

3. Notwithstanding anything in this Schedule the following operations are not operations in the General Waste branch of the Waste Materials Reclamation trade:—

(a) reclamation of any waste material or waste article in an establishment (other than a general waste materials establishment) in which that material or article is produced or is used as material for manufacture or as a container or wrapper for other articles manufactured in the establishment; and operations connected therewith;

(b) reclamation of any waste material or waste article produced in the business of breaking up ships or breaking up or dismantling buildings or machinery or tramway or railway installations or heavy plant when performed in the course of such business; and operations connected therewith;

(c) reclamation of scrap rubber in an establishment in which the scrap rubber is broken down or devulcanised; and operations connected therewith;

(a) S.R. & O. 1933/833 (Rev. XXIII, p. 497: 1933, p. 2056).

- (d) reclamation of rabbit skins where performed in an establishment in which such reclamation constitutes the principal business carried on or in connection with an establishment in which the principal business carried on is the manufacture of hatters' fur ; and operations connected therewith ;
- (e) reclamation of bottles or jars preliminary to their use in the same establishment as containers, or when such bottles or jars are the property of a trader and are used by him for the purpose of delivering the contents to a customer and are recovered when empty from the customer by or on behalf of the trader ; and operations connected therewith ;
- (f) reclamation of jute textile cuttings and clippings where carried on in an establishment mainly engaged in operations included in the Trade Boards (Jute) Order 1919(a), or any amendment thereof ;
- (g) production of shoddy or mungo or woollen flock or any operations performed in an establishment in which the production of shoddy or mungo or woollen flock is the principal business carried on ;
- (h) de-tinning of metal or refining of old gold or silver ;
- (i) repairing or overhauling machinery or plant ;
- (j) collecting, transporting, packing, warehousing or despatching, when performed by workers in the direct employment of an employer who is not otherwise engaged in the Waste Materials Reclamation trade ;
- (k) cleaning or washing when performed in an establishment where the cleaning or washing is mainly of articles other than those specified in paragraph 2 hereof ;
- (l) cleaning of premises by charwomen ;
- (m) caretaking ;
- (n) clerical work ;
- (o) operations performed in or in connection with a cotton waste establishment as defined in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (Cotton Waste Branch) (Constitution and Proceedings) Regulations 1929(b)."

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 31st July 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (General Waste Materials Reclamation) Order 1963 (Order D.B. (60)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/859 (1919 II, p. 517).

(b) S.R. & O. 1929/3 (1929, p. 1378).

1964 No. 1083

EDUCATION, ENGLAND AND WALES
The Special Schools and Establishments (Grant) Amending Regulations 1964

<i>Made</i> - - - -	14th July 1964
<i>Laid before Parliament</i>	21st July 1964
<i>Coming into Operation</i>	1st August 1964

The Secretary of State for Education and Science, in exercise of the power conferred upon him by section 100 of the Education Act 1944(a), hereby makes the following regulations:—

1. These regulations may be cited as the Special Schools and Establishments (Grant) Amending Regulations 1964 and shall come into operation on 1st August 1964.

2. The existing regulations hereby amended are the Special Schools and Establishments (Grant) Regulations 1959(b).

3. Sub-paragraph (a) of paragraph (1) of Regulation 4 of the existing regulations, which relates to the payment of capital grant by the Secretary of State, shall have effect with the insertion after the words "special school" of the words "or of an establishment for the further education and training of disabled persons".

Given under the Official Seal of the Secretary of State for Education and Science on 14th July 1964.

(L.S.)

Newton,

Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations empower the Secretary of State to pay capital grant to establishments maintained by bodies other than local education authorities for the further education of disabled persons in the same way as he is already empowered to make such grants to special schools maintained by such bodies.

 (a) 7 & 8 Geo. 6. c. 31.

(b) S.I. 1959/366 (1959 I, p. 1051).

1964 No. 1084 (S. 73)

ROADS AND BRIDGES, SCOTLAND

The Special Roads (Classes of Traffic) (Scotland)
Order 1964

<i>Made - - - -</i>	<i>5th June 1964</i>
<i>Laid before Parliament</i>	<i>16th June 1964</i>
<i>Coming into Operation</i>	<i>16th July 1964</i>

In exercise of the powers conferred on me by section 2(3) of the Special Roads Act 1949(a) as read with the Transfer of Functions (Roads, Bridges and Ferries) Order 1955(b) and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Special Roads (Classes of Traffic) (Scotland) Order 1964, and shall come into operation seven days after it has been approved by both Houses of Parliament.

2. The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

3. The composition of the classes of traffic specified in Schedule 2 to the Special Roads Act 1949 shall be varied so as to have effect as set out in the Schedule to this order.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
5th June 1964.

SCHEDULE

CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

Class I: Motor tractors, heavy motor cars, motor cars and motor cycles whereof the cylinder capacity of the engine is not less than 50 cubic centimetres, and trailers drawn thereby, which comply with general regulations as to construction and use made under section 64 of the Road Traffic Act 1960(d), and in the case of which the following conditions are satisfied, that is to say:—

- (i) that the whole weight of the vehicle is transmitted to the road surface by means of wheels;
- (ii) that all wheels of the vehicle are equipped with pneumatic tyres;
- (iii) that the vehicle is not controlled by a pedestrian;

(a) 12, 13 & 14 Geo. 6. c. 32.
(e) 52 & 53 Vict. c. 63.

(b) S.I. 1955/1955 (1955 I, p. 1205).
(d) 8 & 9 Eliz. 2. c. 16.

(iv) that the maximum speed at which the vehicle may be driven under section 24 of the Road Traffic Act 1960, on roads which are not special roads is not less than twenty miles per hour ; and

(v) that the vehicle is not a vehicle chargeable with duty under Schedule 3 to the Vehicles (Excise) Act 1962(a).

Class II: Motor vehicles and trailers the use of which for or in connection with the conveyance of abnormal indivisible loads is authorised by order made by the Minister under section 64(4) of the Road Traffic Act 1960.

Heavy and light locomotives when being used for or in connection with the conveyance of abnormal indivisible loads.

Motor vehicles and trailers constructed for naval, military, air force or other defence purposes, the use of which is authorised by order made by the Minister under section 64(4) of the Road Traffic Act 1960.

Class III: Motor vehicles controlled by pedestrians.

Class IV: All motor vehicles (other than invalid carriages and motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres) not comprised in Class I, Class II or Class III.

Class V: Vehicles drawn by animals.

Class VI: Vehicles (other than pedal cycles, perambulators, push-chairs and other forms of baby carriages) drawn or propelled by pedestrians.

Class VII: Pedal cycles, and motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres and invalid carriages.

Class VIII: Animals ridden, led or driven (other than dogs held on a lead).

Class IX: Pedestrians, perambulators, push-chairs and other forms of baby carriages and dogs held on a lead.

In this Schedule any expression defined for the purposes of the Road Traffic Act 1960, has the same meaning as in that Act and the expression "abnormal indivisible load" has the same meaning as in the Transport Act 1947(b).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Schedule 2 to the Special Roads Act 1949, specifies classes of traffic for which special roads may be provided. This Order varies the composition of Class I by excluding "mopeds", agricultural machines, certain mobile plant and haulage vehicles, of Class VII by including "mopeds" and invalid carriages, and of Class IX by including perambulators and dogs on a lead.

(a) 10 & 11 Eliz. 2. c. 13.

(b) 10 & 11 Geo. 6. c. 49.

1964 No. 1085

INDUSTRIAL ORGANISATION AND DEVELOPMENT
**The Furniture Industry Development Council
(Amendment No. 2) Order 1964**

Laid before Parliament in draft

Made - - - - - 14th July 1964

Coming into Operation 1st January 1965

Whereas the Board of Trade have in pursuance of the powers conferred upon them by section 1 of the Industrial Organisation and Development Act 1947(a) made the Furniture Industry Development Council Order 1948(b):

And whereas by virtue of section 8 of the said Act the Board of Trade have previously amended the said Order(c), and may by virtue thereof further amend the said Order:

And whereas the Board of Trade have consulted the Furniture Development Council and the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the furniture industry and the organisations representative of persons employed in that industry appearing to the Board of Trade to be appropriate:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by section 8 of the Industrial Organisation and Development Act 1947 hereby order as follows:—

1. The Furniture Industry Development Council Order 1948, as amended, shall have effect, in relation to the year 1965 and subsequent years, subject to the amendment that for paragraph (3) of Article 6 there shall be substituted the following paragraph:—

“(3) Charges imposed by the Council under paragraph (1) hereof shall be computed so as to yield not more than £75,000 in each year.”.

2. The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 40.

(b) S.I. 1948/2774 (Rev. X, p. 765: 1948 I, p. 1633).

(c) S.I. 1958/1126 (1958 I, p. 1283).

(d) 52 & 53 Vict. c. 63.

3. This Order may be cited as the Furniture Industry Development Council (Amendment No. 2) Order 1964 and shall come into operation on 1st January 1965.

14th July 1964.

David Price,
Parliamentary Secretary to the
Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Organisation and Development Act 1947, amends the Furniture Industry Development Council Order 1948 as amended. The maximum permissible amount of the charges which may be imposed by the Council in each year is increased from £30,000 to £75,000 for the year 1965 and subsequent years.

1964 No. 1086

INDUSTRIAL TRAINING**The Industrial Training (Engineering Board) Order 1964**

<i>Made - - - -</i>	14th July 1964
<i>Laid before Parliament</i>	22nd July 1964
<i>Coming into Operation</i>	23rd July 1964

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Training (Engineering Board) Order 1964 and shall come into operation on 23rd July 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Establishment of Industrial Training Board

2. An industrial training board to be known as the Engineering Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the engineering industry the functions conferred on industrial training boards by the Act.

Membership and proceedings of the Board

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 14th July 1964.

Joseph Godber,
Minister of Labour.

SCHEDULE 1

THE ENGINEERING INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the engineering industry are the following activities in so far as they are carried out in Great Britain:—

(a) the manufacture of—

- (i) any article wholly or mainly from metal or any combination of metal and plastics material ;
- (ii) any vehicle body ;
- (iii) any aircraft, helicopter, glider, hover vehicle (that is to say, a vehicle designed to be supported on a cushion of air) or guided missile ;
- (iv) any article embodying a lens or prism ;
- (v) any primary cell or battery or electric accumulator ;
- (vi) any electric cable, electric filament lamp, electric discharge lamp or photographic flashbulb ;
- (vii) any thermionic, cold cathode or photo-cathode valve or tube, cathode-ray tube, electric capacitor or resistor, any device using ferrite for electrical purposes or any semi-conductor device ;
- (viii) any pattern for the purpose of engineering ;

(b) the installation, testing, inspection or repair of any article (whether or not so described) specified in sub-paragraph (a) above ;

(c) the production of any non-ferrous metal or semi-manufactured sections from such metal, including the operations of smelting, refining, casting, rolling, drawing, extruding or forging ;

(d) the erection of—

- (i) steel or other metal framework of buildings ; or
- (ii) structures made wholly or mainly of steel or other metal (not being electric lines or structures designed for the support thereof, fencing, boarding or scaffolding) ;

(e) electro-plating, anodising, polishing, burnishing, tempering, case-hardening, annealing or any other metal finishing process ;

(f) the machining of graphite ;

(g) the preparation of any engineering drawing ;

(h) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—

- (i) research, development, design or drawing ;
- (ii) operations in connection with sale, packing, warehousing, distribution or transport ;
- (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage ;

(i) any other activity of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule, there shall not be included in the activities of the engineering industry:—

(a) the activities of any establishment engaged wholly or mainly in the activities following, or any of them, that is to say—

- (i) the processing of plastics material ;
- (ii) the manufacture or repair of any of the following articles or any article similar thereto, that is to say, artificial flowers or teeth, ball-point or fountain pens, belts, braces, brooms, brushes, clothing, document cases or covers, eye-glasses, footwear, handbags, jewellery, jewel cases, lampshades, pencils, purses, spectacles, straps, suitcases, toys and games or wallets ;

- (iii) the manufacture of paint ;
 - (iv) the production of iron or steel by any process or, when carried out in association with such production, the casting of iron or steel by any process, the production of any iron or steel forgings or the annealing or heat treatment of steel ;
 - (v) the rolling with or without heat of iron or steel products for the purpose of reducing the cross-sectional area thereof ;
 - (vi) the production from iron or steel of bright bars, hot finished tubes or hot finished pipes ;
 - (vii) the production of tinplate, terneplate, iron or steel wire, or steel wire ropes ;
 - (viii) the production of galvanised or other coated steel sheets when carried out in association with any of the activities included in heads (iv) to (vii) of this sub-paragraph ;
 - (ix) electro-typing, stereo-typing, typesetting, typecasting, or the preparation of lithographic plates or engraving for the purpose of printing ;
 - (x) operations carried out at or from a yard or dry dock (including the precincts thereof) or a harbour or wet dock in the construction, reconstruction, repair, refitting, painting or finishing of ships or vessels or other floating constructions ;
 - (xi) the provision or continued provision for a building or any civil engineering work of water, gas, electricity, lighting, heating or ventilation, being operations undertaken in, upon, above or under the building, or the close, curtilage or precincts thereof, or the civil engineering work or the site of a building or such a work ;
 - (xii) the repair of mechanically propelled vehicles used on roads not being activities carried out by the London Transport Board ;
 - (xiii) the repair of aircraft or helicopters by a person other than the manufacturer thereof ;
 - (xiv) the activities mentioned in paragraph 1(b) when carried out by the National Coal Board ;
 - (xv) the provision by a local authority of a road transport passenger service ; or
 - (xvi) the installation of metal windows ;
- (b) the activities of—
- (i) the United Kingdom Atomic Energy Authority at any establishment engaged wholly or mainly in the production, use or disposal of atomic energy or radioactive substances, or in the production, development or testing of nuclear weapon components, or in research into any matters connected therewith ;
 - (ii) the Electricity Council, the Central Electricity Generating Board or an Area Electricity Board ;
 - (iii) the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board ;
 - (iv) the Gas Council or an Area Gas Board ;
 - (v) a harbour authority within the meaning of the Harbours Act 1964(a) when acting in that capacity ;
 - (vi) a statutory water undertaker within the meaning of the Water Act 1945(b) (other than Part II of that Act) or a local water authority within the meaning of the Water (Scotland) Act 1946(c) being the activities of such undertaker or authority in the exercise of its powers or duties as such ;

(a) 1964 c. 40.

(b) 8 & 9 Geo. 6. c. 42.

(c) 9 & 10 Geo. 6. c. 42.

- (c) the activities of any establishment (not being that of a local authority or of the London Transport Board) engaged mainly in one or more activities not included in paragraph 1 of this Schedule ;
- (d) the activities included in paragraph 1(h) of this Schedule when carried out by a local authority ;
- (e) the supply of food or drink for immediate consumption ;
- (f) the activities of any company, association or body that is required by its constitution to apply its profits, if any, or other income in promoting its objects and is prohibited thereby from paying any dividend to its members, and that has for its sole or principal object or among its principal objects the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944(a) (which relates to the provision for registered persons who are seriously disabled of employment or work on their own account under special conditions and of training for such employment or work) ; or
- (g) the activities of any local authority in the provision of sheltered employment carried on in accordance with arrangements under section 3 of the Disabled Persons (Employment) Act 1958(b), or under section 29 of the National Assistance Act 1948(c) as extended by section 8(2) of the Mental Health Act 1959(d) and section 8(2) of the Mental Health (Scotland) Act 1960(e), or under section 31 of the National Assistance Act 1948 (as substituted by the National Assistance Act 1948 (Amendment) Act 1962(f)), or under section 28 of the National Health Service Act 1946(g) as extended by section 6 of the Mental Health Act 1959, or under section 27 of the National Health Service (Scotland) Act 1947(h) as extended by section 7 of the Mental Health (Scotland) Act 1960.

3.—(1) In this Schedule—

- (a) “ article ” includes a part or component of an article, being a part or component made wholly or mainly from metal or from any combination of metal and plastics material ;
- (b) “ building ” includes any structure or erection (other than a tent or caravan) and any part of a building as so defined ;
- (c) “ civil engineering work ” means the construction, or demolition of a railway-line, siding or monorail, the construction, structural alteration, repair or demolition of any aerodrome, airport, bridge, road, viaduct, dock, harbour, pier, quay, wharf, coast protection, river or drainage work, aqueduct, canal, inland navigation, reservoir, waterworks, bore-hole, well (other than an oil-well), filter bed, sewage works, sewer, cooling tower or pond, tunnel, heading, adit, chimney, furnace, carbonising or gas-making plant, nuclear or thermal power station, hydro-electric station, electric line or any structure designed for its support, cable trench or duct, oil refinery, pipe-line or defence installation, the preparation of the site or the laying down of a foundation or sub-structure in connection with any of the said operations or with the erection of structural metalwork, the construction of a swimming pool or other bathing place or of a playing field or ground for sporting or recreational purposes or the laying out of a cemetery ;
- (d) “ company ”, “ holding company ” and “ subsidiary ” have the same meanings as in section 154 of the Companies Act 1948(i) ;
- (e) “ electric line ” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity or any apparatus connected therewith ;
- (f) “ iron ” and “ steel ” include respectively alloy iron and alloy steel containing in each case more than fifty-five per cent. of pure iron by weight ;

(a) 7 & 8 Geo. 6. c. 10.

(b) 6 & 7 Eliz. 2. c. 33.

(c) 11 & 12 Geo. 6. c. 29.

(d) 7 & 8 Eliz. 2. c. 72.

(e) 8 & 9 Eliz. 2. c. 61.

(f) 10 & 11 Eliz. 2. c. 24.

(g) 9 & 10 Geo. 6. c. 81.

(h) 10 & 11 Geo. 6. c. 27.

(i) 11 & 12 Geo. 6. c. 38.

- (g) "jewellery" includes any article of personal adornment (whether or not containing stones) but does not include clock or watch movements ;
- (h) "local authority" means in England and Wales a local authority within the meaning of the Local Government Act 1933(a), a local authority within the meaning of the London Government Act 1939(b) or the Common Council of the City of London, and in Scotland, the council of a county, the town council of a burgh or a district council ;
- (i) "manufacture" includes assembly or any process or operation incidental or appertaining to manufacture or assembly ;
- (j) "metal" means any metal other than gold, silver or platinum, and includes any alloy that does not include any gold, silver or platinum ;
- (k) "non-ferrous metal" means any metal other than iron or steel ;
- (l) "plastics material" means any material made wholly or mainly by addition, polyaddition, condensation, polycondensation, polymerisation, copolymerisation, esterification or other similar chemical process, or regenerated or modified cellulose, or hardened proteins, or natural resin modified by fusion or esterification ;
- (m) "processing of plastics material" means any of the following operations when carried out on plastics material, that is to say, moulding, calendering, casting, thermoforming, encapsulation, extrusion, fabric coating, filament winding, heat sealing or laminate pressing ;
- (n) "repair" includes re-conditioning, modification, alteration or conversion ;
- (o) "ships", "vessels" and "harbour" for the purposes of paragraph 2(a)(x) have the same meanings as in the Merchant Shipping Act 1894(c) ;
- (p) "vehicle body" includes a motorcycle sidecar, perambulator, invalid carriage, folding push-car or body for a caravan.
- (2) For the purposes of this Schedule, an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

SCHEDULE 2

MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.
2. A person who has held office as a member of the Board shall be eligible for reappointment.
3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.
4. If a member of the Board—
 - (a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister ; or
 - (b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties ;
 the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

I.....of.....in the county of.....being a member of the Engineering Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint.....of.....or failing him.....of.....as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the.....day of.....19... and at any adjournment thereof.

Signed this.....day of.....19...

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Engineering Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

 STATUTORY INSTRUMENTS

1964 No. 1089

ANIMALS

DISEASES OF ANIMALS

**The Importation of Carcases and Animal Products
(Amendment) Order 1964**

Made - - - - - 13th July 1964
Coming into Operation 23rd July 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them by sections 1, 24, 33 and 85 of the Diseases of Animals Act 1950(a), and section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(b), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and Commencement

1. This Order, which may be cited as the Importation of Carcases and Animal Products (Amendment) Order 1964, shall come into operation on 23rd July 1964.

Interpretation

2. The Interpretation Act 1889(c), shall apply to the interpretation of this Order, as it applies to the interpretation of an Act of Parliament.

Amendment of the Importation of Carcases and Animal Products Order 1954

3. Schedule 3 to the Importation of Carcases and Animal Products Order 1954(d), as altered (e), shall be further altered by the deletion of France from the respective lists of countries of origin from which dry sausage (salami), fully cured bacon and ham, and sausage casings (cleaned and scraped) may be landed in Great Britain without a licence.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th July 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 13th July 1964.

(L.S.)

Michael Noble,

Secretary of State for Scotland.

(a) 14 Geo. 6. c. 36.

(b) 2 & 3 Eliz. 2. c. 39.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1954/853 (1954 I, p. 136).

(e) S.I. 1960/2094, 1961/329, 1963/911 (1960 I, p. 298; 1961 I, p. 520; 1963 II, p. 1541).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which is made under the Diseases of Animals Act 1950, alters the provisions of the Importation of Carcases and Animal Products Order 1954, so as to make it illegal to land in Great Britain dry sausage (salami), fully cured bacon and ham, and sausage casings (cleaned and scraped), originating in France, without a licence.

 STATUTORY INSTRUMENTS

1964 No. 1090

ANIMALS

DISEASES OF ANIMALS

**The Warble Fly (Dressing of Cattle) (Revocation)
Order 1964**

Made - - - - 13th July 1964
Coming into Operation 23rd July 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting respectively in relation to articles 3 and 4 of this order, jointly in relation to article 2, and jointly and severally in relation to the remainder of the order, in exercise of such of the powers contained in section 85(1) of the Diseases of Animals Act 1950(a), as are conferred on them or either of them by articles 3 and 7 of the Transfer of Functions (Animal Health) Order 1955(b), and of all other powers enabling them or either of them in that behalf, hereby order as follows:—

Citation, commencement and interpretation

1.—(1) This order, which may be cited as the Warble Fly (Dressing of Cattle) (Revocation) Order 1964, shall come into operation on 23rd July 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as though this order and the orders hereby revoked were Acts of Parliament.

Revocation of principal order

2. The Warble Fly (Dressing of Cattle) Order of 1948(d) is hereby revoked by the Minister and Secretary of State, acting jointly.

Revocation of amendment order relating to England and Wales

3. The Warble Fly (Dressing of Cattle) (England and Wales) (Amendment) Order 1960(e) is hereby revoked by the Minister.

Revocation of amendment order relating to Scotland

4. The Warble Fly (Dressing of Cattle) (Scotland) Amendment Order 1960(f) is hereby revoked by the Secretary of State.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 13th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

(a) 14 Geo. 6. c. 36. (b) S.I. 1955/958 (1955 I, p. 1184). (c) 52 & 53 Vict. c. 63.
(d) S.I. 1948/423 (Rev. II, p. 667; 1948 I, p. 239). (e) S.I. 1960/2392 (1960 I, p. 314).
(f) S.I. 1960/2408 (1960 I, p. 315).

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order revokes the orders made under the Diseases of Animals Act 1950 requiring the periodical dressing of cattle infested with the maggot of the warble fly.

1964 No. 1094

WAGES COUNCILS**The Wages Regulation (Retail Bread and Flour Confectionery)
(England and Wales) Order 1964**

Made - - - - - 15th July 1964
Coming into Operation 17th August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bread and Flour Confectionery Trade Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 17th August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order 1961(c) and the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order 1962(d), shall cease to have effect.

Dated 15th July 1964.

Joseph Godber,
 Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
 (c) S.I. 1961/942 (1961 II, p. 1819).

(b) 52 & 53 Vict. c. 63.
 (d) S.I. 1962/2498 (1962 III, p. 3374).

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order 1961(a) (hereinafter referred to as "Order B.F.C. (14)") as amended by the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order 1962(b) (Order B.F.C. (16)).

(a) S.I. 1961/942 (1961 II, p. 1819).

(b) S.I. 1962/2498 (1962 III, p. 3374).

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 9, 10, 15 and 16, the minimum remuneration for workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4, 5, 6 and 7.

Any increase in remuneration payable under the provisions of paragraph 4, 5, 6 or 7 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

MANAGERS AND MANAGERESSES

2. Subject to the provisions of this paragraph, the minimum remuneration for Managers and Manageresses employed in the areas specified in Column 2 of the next following table shall be the amount appearing in the said Column 2 against the amount of weekly trade shown in Column 1 of the said table:—

WEEKLY TRADE	Column 2											
	London Area per week		Provincial A Area per week		Provincial B Area per week							
	Male	Female	Male	Female	Male	Female						
	s.	d.	s.	d.	s.	d.	s.	d.				
<i>Under £100</i>	212	0	182	0	206	0	176	0	195	0	166	0
£100 and under £110	216	0	186	0	210	0	180	0	199	0	170	0
£110 " " £120	218	0	188	0	212	0	182	0	201	0	172	0
£120 " " £130	220	0	190	0	214	0	184	0	203	0	174	0
£130 " " £140	222	0	192	0	216	0	186	0	205	0	176	0
£140 " " £150	224	0	194	0	218	0	188	0	207	0	178	0
£150 " " £160	226	0	196	0	220	0	190	0	209	0	180	0
£160 " " £170	227	0	197	0	221	0	191	0	210	0	181	0
£170 " " £180	228	0	198	0	222	0	192	0	211	0	182	0
£180 " " £190	229	0	199	0	223	0	193	0	212	0	183	0
£190 " " £200	230	0	200	0	224	0	194	0	213	0	184	0
£200 " " £210	231	0	201	0	225	0	195	0	214	0	185	0
£210 " " £220	232	0	202	0	226	0	196	0	215	0	186	0
£220 " " £230	233	0	203	0	227	0	197	0	216	0	187	0
£230 " " £240	234	0	204	0	228	0	198	0	217	0	188	0
£240 " " £250	235	0	205	0	229	0	199	0	218	0	189	0
£250 " " £260	236	0	206	0	230	0	200	0	219	0	190	0
£260 " " £270	237	0	207	0	231	0	201	0	220	0	191	0
£270 " " £280	238	0	208	0	232	0	202	0	221	0	192	0
£280 " " £290	239	0	209	0	233	0	203	0	222	0	193	0
£290 " " £300	240	0	210	0	234	0	204	0	223	0	194	0
£300 " " £310	243	0	213	0	237	0	207	0	226	0	197	0
£310 up to and including £730	The appropriate amount specified in this table for a worker employed at a shop where the weekly trade is £300 and in addition one shilling for every complete £10 of weekly trade in excess of that sum.											
More than £730	286	0	256	0	280	0	250	0	269	0	240	0

For the purposes of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

For the period of 26 weeks beginning (a) with the fifth week or (b) with the 31st week following the accounting date in any year, the weekly trade of a shop shall be $\frac{1}{52}$ nd of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the accounting date (in the case of (a) hereof) or immediately preceding the 26th week following the accounting date (in the case of (b) hereof).

Except as provided as aforesaid, the weekly trade in respect of any week shall be the amount of the total receipts for goods sold at the shop in the preceding week.

In this paragraph the expression "accounting date" means that date in each year on which the books of accounts of a shop are closed for the purpose of preparing the annual accounts in respect of that shop, or, in the absence of any such date, the fifth day of April in any year.

TEMPORARY MANAGERS AND TEMPORARY MANAGERESSES

3.—(1) Subject to the provisions of this paragraph, the minimum remuneration for Temporary Managers and Temporary Manageresses, for each continuous period of employment as Temporary Manager or Temporary Manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph), shall be the appropriate minimum remuneration for a Manager or Manageress, as the case may be, under the provisions of paragraph 2.

(2) In reckoning any continuous period of employment as Temporary Manager or Temporary Manageress, for the purposes of this paragraph, no account shall be taken of any—

(a) period of employment which does not exceed two consecutive working days in duration ; or

(b) day of employment on which the Manager or Manageress, as the case may be, is allowed a day of holiday (whether in pursuance of this Schedule or not) other than a day included in a period of employment mentioned in (a) of this sub-paragraph :

Provided that the total number of days of which no account shall be taken as aforesaid by virtue of (b) of this sub-paragraph shall not exceed 12 in any one calendar year.

(3) The minimum remuneration payable to a Temporary Manager or a Temporary Manageress for any period or day of employment mentioned in (a) or (b) of sub-paragraph (2) of this paragraph shall be not less than the minimum remuneration appropriate to the worker under paragraph 4.

WORKERS OTHER THAN MANAGERS, MANAGERESSES, TEMPORARY MANAGERS, TEMPORARY MANAGERESSES, ROUNDWORKERS AND TRANSPORT WORKERS

4.—(1) Subject to the provisions of this Schedule, the minimum remuneration for male or female workers of the classes specified in Column 1 of the next

following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2 of the said table:—

Column 1	Column 2					
(a) FIRST ASSISTANTS ...	The minimum remuneration which would be payable to the worker under (b) of this sub-paragraph increased by 5s. 0d.					
(b) ALL OTHER INDOOR WORKERS	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Aged 22 years or over ...	193 6	146 6	187 6	140 6	176 6	131 6
" 21 and under 22 years ...	177 0	134 0	171 0	127 6	160 0	120 0
" 20 " " 21 " ...	149 6	116 6	144 6	110 0	135 0	105 0
" 19 " " 20 " ...	139 0	110 6	134 0	104 0	124 6	99 0
" 18 " " 19 " ...	125 6	103 0	120 6	96 6	112 0	91 6
" 17 " " 18 " ...	107 6	89 0	101 6	82 6	95 6	78 0
" 16 " " 17 " ...	99 6	83 6	93 6	77 0	88 6	72 6
" under 16 years ...	92 0	77 6	87 0	71 0	82 0	66 6

(2) Notwithstanding the foregoing provisions of this paragraph, the minimum remuneration payable under the provisions of this paragraph during his or her first six months of employment in the retail bread and flour confectionery trade to a male or female worker who enters, or has entered, that trade for the first time at or over the age of 20 years shall be the appropriate minimum remuneration specified at (b) of the foregoing table reduced—

- (a) during the first three months of the employment by 10s. 0d., and
 (b) during the second three months of the employment by 5s. 0d.

ROUNDWORKERS

5. Subject to the provisions of this Schedule, the minimum remuneration for Roundworkers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2 of the next following table:—

Column 1	Column 2					
Workers aged 21 years or over ...	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
200 0	194 0	183 0	169 6	166 6	157 0	
152 0	149 0	139 6	139 0	136 0	127 6	
121 6	117 6	111 6	110 6	106 6	101 6	
98 6	95 6	90 6				

ASSISTANT ROUNDWORKERS

6. Subject to the provisions of this Schedule, the minimum remuneration for Assistant Roundworkers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2 of the next following table:—

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Workers aged 21 years or over ...	193 6	154 6	187 6	148 6	176 6	140 6
" " 20 and under 21 years... ..	163 0	130 6	160 0	125 6	150 6	119 0
" " 19 and under 20 years... ..	146 0	117 0	143 0	112 0	133 6	105 6
" " 18 and under 19 years... ..	132 0	107 0	129 0	103 0	120 6	96 6
" " 17 and under 18 years... ..	115 6	94 6	111 6	89 6	105 6	84 6
" " 16 and under 17 years... ..	104 6	86 6	100 6	81 6	95 6	77 6
" " under 16 years ...	92 6	77 0	89 6	72 0	84 6	68 0

TRANSPORT WORKERS

7. Subject to the provisions of this Schedule, the minimum remuneration for Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
Age of Transport Worker	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle	London Area per week	Provincial A Area per week	Provincial B Area per week
21 years or over ...	} 1 ton or less ...	} One-horse	s. d.	s. d.	s. d.
20 and under 21 years			205 0	199 0	188 0
19 " " 20 "			169 0	167 0	158 6
18 " " 19 "			159 0	157 0	148 6
under 18 years ...			146 0	143 0	135 6
			129 0	126 0	120 0
All ages	Over 1 ton and up to 5 tons	Two-horse	208 0	202 0	191 0
	Over 5 tons ...	—	212 0	206 0	195 0

WORKERS WHO WORK IN TWO OR MORE AREAS

8. The minimum remuneration applicable to a Roundworker, Assistant Roundworker or Transport Worker in any week in which he works in the London Area, Provincial A Area and Provincial B Area or in any two of those areas is the remuneration which would be applicable if the worker worked solely at the bakery or depot from which he operates.

NIGHT WORK

9. For any time worked between 9 p.m. and 5 a.m. a worker shall be paid, in addition to the minimum remuneration to which he is entitled under the other provisions of this Schedule, eightpence for each hour (or part of an hour) so worked.

MINIMUM OVERTIME RATES

10. Overtime rates shall be payable to workers to whom this Schedule applies as follows:—

- (1) To any worker for work on a Sunday—
- | | | |
|--|--------|--------------------------|
| (a) where time worked does not exceed 4½ hours | ... .. | double time for 4½ hours |
| (b) where time worked exceeds 4½ hours but does not exceed 8 hours | ... .. | double time for 8 hours |
| (c) where time worked exceeds 8 hours— | | |
| for all time worked | ... .. | double time |
- (2) to any worker other than a roundswoker, assistant roundswoker or a transport worker—
- (a) on the weekly short day in any week during which, under sub-section (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half-holiday—
- | | | |
|-------------------------------------|--------|-------------|
| for all time worked after 1.30 p.m. | | double time |
|-------------------------------------|--------|-------------|
- (b) on the weekly short day (not being a weekly short day to which (a) of this sub-paragraph applies)—
- | | | |
|-------------------------------------|--------|-----------------|
| for all time worked after 1.30 p.m. | | time-and-a-half |
|-------------------------------------|--------|-----------------|
- (c) on any day other than a weekly short day, a Sunday or a customary holiday—
- | | | |
|---|--------|--------------------|
| (i) for the first 4 hours worked in excess of 9 | ... .. | time-and-a-quarter |
| (ii) thereafter | ... .. | time-and-a-half |
- Provided that where the employer normally requires the worker's attendance on five days only in the week the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9½ hours and 13½ hours work respectively;
- (d) in any week exclusive of any time worked on a customary holiday and of any time for which a minimum overtime rate is payable under the other provisions of this paragraph—
- | | | |
|--|--------|--------------------|
| (i) for the first 4 hours worked in excess of 44 | ... .. | time-and-a-quarter |
| (ii) thereafter | ... .. | time-and-a-half |
- (3) To a roundswoker or an assistant roundswoker in any week exclusive of any time worked on a Sunday or a customary holiday—
- | | | |
|--|--------|--------------------|
| (a) for the first 6 hours worked in excess of 44 | ... .. | time-and-a-quarter |
| (b) thereafter | ... .. | time-and-a-half |
- (4) To a transport worker in any week exclusive of any time worked on a Sunday or a customary holiday whichever of the following amounts is the greater—
- | | | |
|--|--------|--------------------|
| (a) for all time worked in excess of 8 hours on any day on five days in the week and in excess of 10 hours on one day to be specified by the employer or where none is specified the last day of the week— | | |
| (i) for the first 4 hours so worked | ... .. | time-and-a-quarter |
| (ii) thereafter | ... .. | time-and-a-half |

or (b) for all time worked in excess of 44 hours—

- | | | | |
|---------------------------|-----|-----|--------------------|
| (i) for the first 4 hours | ... | ... | time-and-a-quarter |
| (ii) thereafter | ... | ... | time-and-a-half |

Provided that—

- (i) overtime rates under this paragraph shall be payable to a manager or manageress only if the overtime worked is specifically authorised by the employer or his representative;
- (ii) where a worker is employed in a shop which is registered under section 53 of the Shops Act 1950 (which relates to persons observing the Jewish Sabbath), the provisions of this paragraph shall apply as if for the word "Sunday" there were substituted the word "Saturday";
- (iii) in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours" where it occurs in the foregoing provisions of this paragraph and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

BENEFITS OR ADVANTAGES

- 11.—(1) The benefits or advantages set out in this sub-paragraph being benefits or advantages provided, in pursuance of the terms and conditions of the employment of a worker to whom this Schedule applies, by the employer or by some other person under arrangements with the employer, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner:—
 - (a) Dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 10s. per week.
 - (b) Tea of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 3s. 9d. per week.
- (2) Nothing in this paragraph shall be construed as authorising the making of any deduction or the giving of remuneration in any manner which is illegal by virtue of the Truck Acts 1831 to 1940(a), or of any other enactment.

WAITING TIME

12. A worker shall be entitled to payment of the minimum remuneration specified in this Part of this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—
 - (1) without the employer's consent, express or implied;
 - (2) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;
 - (3) by reason only of the fact that he is resident thereon; or
 - (4) during normal meal times and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

13. Where a worker is required to work on a customary holiday he shall be paid not less than the amount to which he would have been entitled under the other provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week and, in addition thereto—
 - (1) where time worked does not exceed 4½ hours time-and-a-half for 4½ hours
 - (2) where time worked exceeds 4½ hours but does not exceed 8 hours time-and-a-half for 8 hours
 - (3) where time worked exceeds 8 hours—
for all time worked time-and-a-half.

(a) 1 & 2 Will. 4. c. 37; 50 & 51 Vict. c. 46; 59 & 60 Vict. c. 44; 3 & 4 Geo. 6. c. 38.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week :

Provided that where, in the case of a worker who normally works for the employer on six days in the week, a customary holiday falls on his weekly short day, the worker shall be paid, in addition to any amount to which he is entitled under this paragraph, an amount equal to the statutory minimum remuneration to which he would be entitled for four hours' work, unless he has not been employed after 1.30 p.m. on another week day in the week in which the customary holiday occurs or in the week next following that week on a day other than his weekly short day being in neither case a day of customary holiday or a day of annual holiday.

(2) A worker shall not be entitled to any payment under this paragraph unless he—

- (a) works for the employer throughout the last working day on which work was available for him preceding the holiday ; and
- (b) presents himself for employment at the usual starting time on the first working day after the holiday :

Provided that (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

15.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount which may be payable in respect of remuneration excluded from the total remuneration referred to in this sub-paragraph.

- (2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one half of the remuneration payable in respect of work on a customary holiday.
- (3) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 2, 3, 4, 5, 6 or 7 for 44 hours' work in his normal occupation :

Provided that—

- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to

- which the worker would be entitled (calculated as in paragraph 16) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies ;
- (b) where in any week a worker at his request and with the consent of his employer is absent from work during any part of his normal working hours on any day (other than a day of annual holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with the second proviso to sub-paragraph (3) of this paragraph) is
- (a) capable of and available for work ; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 16.—(1) The minimum remuneration specified in paragraphs 2, 4, 5, 6 and 7 relates to a week of 44 hours exclusive of overtime, and, except as provided in paragraph 15, is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 12, be excluded.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

- 17.—(1) An employer shall, between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between the Monday falling on or nearest to 14th April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment

(calculated in accordance with the provisions of paragraph 23) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday for workers with a normal working week of			
	Six days	Five days	Four days	Three days or less
12 months	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months	11 "	9 "	7 "	5 "
" " " 10 " " " " 11 "	10 "	8 "	7 "	5 "
" " " 9 " " " " 10 "	9 "	7 "	6 "	4 "
" " " 8 " " " " 9 "	8 "	7 "	5 "	4 "
" " " 7 " " " " 8 "	7 "	6 "	5 "	3 "
" " " 6 " " " " 7 "	6 "	5 "	4 "	3 "
" " " 5 " " " " 6 "	5 "	4 "	3 "	2 "
" " " 4 " " " " 5 "	4 "	3 "	3 "	2 "
" " " 3 " " " " 4 "	3 "	2 "	2 "	1 day
" " " 2 " " " " 3 "	2 "	2 "	1 day	1 "
" " " 1 month " " " 2 "	1 day	1 day	1 "	—

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

(b) where before the expiration of any holiday season a worker enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed on a specified date or dates after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall for the purposes of this Schedule be treated as having been allowed during the holiday season ;

(c) where a worker has, on 1st August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week ;

(d) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order B.F.C. (14) between 13th April 1964, and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period between 13th April 1964, and 31st October 1964, and, in each succeeding year, the period between the Monday falling on, or nearest to, 14th April and 31st October of the same year.

18.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

(2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may by agreement between the employer and the worker be

- allowed in two periods of consecutive working days ; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
- (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season.
- (5) No day of annual holiday shall be allowed on a customary holiday.
- (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959.
19. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to a worker or by the posting of a notice in the place where the worker is employed.

HOLIDAY REMUNERATION

- 20.—(1) Subject to the provisions of paragraph 21, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.
21. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 22 of this Schedule or with Order B.F.C. (14)) in respect of employment during the periods referred to in paragraph 22, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order B.F.C. (14).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

22. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereafter in this Schedule referred to as "the termination date"), pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months up to the Sunday falling on or nearest to 13th April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday

for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment ; and

- (2) in respect of any employment since the Sunday falling on or nearest to 13th April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

(a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal.

(b) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—

(i) has at his written request been allowed any day or days of holiday for which he has not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday ; or

(ii) has been allowed an annual holiday in accordance with (c) of sub-paragraph (2) of paragraph 17 of this Schedule or Order B.F.C. (14), any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of sub-paragraph (1) of the said paragraph 17 or Order B.F.C. (14) ;

(c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given such notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount—

(i) in the case of a worker who left without giving notice, equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him ; and

(ii) in the case of a worker who left without working the full period of his week's notice, equal to one day's holiday pay for each day during the said period on which he failed to work.

CALCULATION OF EMPLOYMENT

23. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

**PART III
GENERAL
DEFINITIONS**

24. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“**CARRYING CAPACITY**” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

“**CLEANER**” means a worker engaged wholly or mainly in cleaning premises.

“**CUSTOMARY HOLIDAY**” means Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday; or, in the case of each of the said days, such week day (other than a weekly short day) as may be substituted therefor, being a day—

- (1) on which the worker normally works for the employer, and
- (2) which is by local custom recognised as a day of holiday.

“**FIRST ASSISTANT**” means—

(1) in a shop where a manager or manageress and not less than five other workers (excluding part-time workers employed as cleaners) are employed, such one of those other workers as may be designated by the employer as “first assistant” for the purposes of this Schedule or, if no worker is so designated, the worker who has been longest employed in the shop;

(2) in a shop where no manager or manageress is employed—

(a) where two or more workers (excluding part-time workers employed as cleaners) are employed, such one of those workers as may be designated by the employer as “first assistant” for the purposes of this Schedule or, if no worker is so designated, the worker has been longest employed in the shop;

(b) where only one worker is employed, that worker:

provided that a worker shall not be deemed to be a first assistant by virtue of (2) of this definition, except during a period when the employer is absent from the shop and the period of absence is of not less than one day's duration.

“**FULL-TIME WORKER**” means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

“**LONDON AREA**”, “**PROVINCIAL A AREA**” and “**PROVINCIAL B AREA**” have the meanings respectively assigned to them in paragraph 25.

“**MANAGER**”, “**MANAGERESS**” means a worker who is employed at, and is normally immediately in charge of the operation of, a shop and who has immediate control of—

(1) one or more other workers being full-time workers, or

(2) two or more part-time workers (excluding part-time workers employed as cleaners);

and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of a shop by reason only of being

subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the shop is open to the public, wholly or mainly engaged in work at the shop.

“MONTH” means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month or, if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

“NORMAL WORKING WEEK” means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season or, where accrued holiday remuneration is payable under (2) of paragraph 22 on the termination of the employment, during the 12 months immediately preceding the date of the termination of the employment:

Provided that—

- (1) part of a day shall count as a day;
- (2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the holiday is taken in more than one period, at the date of the first period) or at the termination date, as the case may be, for one week’s work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition “appropriate proportion” means—

where the worker’s normal working week is six days	...	one-sixth
“ ” “ ” “ ” “ ”	“ five days	one-fifth
“ ” “ ” “ ” “ ”	“ four days	one-quarter
“ ” “ ” “ ” “ ”	“ three days	one-third
“ ” “ ” “ ” “ ”	“ two days	one-half
“ ” “ ” “ ” “ ”	“ one day	the whole.

“ROUNDWORKER” means a worker wholly or mainly employed as a salesman on a definite or established route and responsible for keeping account of retail sales to customers and of any cash or tokens received in payment and who is not accompanied, save in exceptional circumstances, by any other person who exercises control or supervision.

“ROUNDWORKER, ASSISTANT” means a worker wholly or mainly employed in assisting any person carrying out the duties normally performed by a roundworker, whether or not such person is a roundworker as defined in this Schedule.

“TEMPORARY MANAGER”, “TEMPORARY MANAGERESS” means a worker who, in the absence of the Manager or Manageress, as the case may be, is employed at and is temporarily immediately in charge of the operation of a shop, whilst the worker is so in charge; and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of a shop by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the shop is open to the public, wholly or mainly engaged in work at the shop.

“TIME-AND-A-QUARTER”, “TIME-AND-A-HALF” and “DOUBLE TIME” mean, respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing by 44 the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3, 4, 5, 6 or 7.

“TRANSPORT WORKER” means a worker (other than a roundworker or assistant roundworker) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

“WEEK” means “pay week”.

“WEEKLY SHORT DAY” means that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half past one o'clock in the afternoon or, where there is no such day, a working day in the week fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect or, failing such notification, the last working day in the week.

AREAS

25. In this Schedule—

(1) “LONDON AREA” comprises the City of London and the Metropolitan Police District ;

(2) “PROVINCIAL B AREA” comprises all areas other than those specified in sub-paragraphs (1) and (3) of this paragraph ;

(3) “PROVINCIAL A AREA” comprises—

(a) all areas other than the London Area which according to the Registrar General's Preliminary Report on the Census of England and Wales 1951, were administered by County Borough, Municipal Borough or Urban District Councils and which had a population of ten thousand or more, and,

(b) the areas administered by the following Municipal Boroughs and Urban District Councils:—

BEDFORDSHIRE—
Biggleswade
Kempston
Leighton Buzzard

CARMARTHEN-
SHIRE—
Ammanford
Burry Port

CUMBERLAND—
Cockermouth
Keswick

BERKSHIRE—
Wokingham

CHESHIRE—
Alderley Edge
Bollington
Bowdon

DENBIGHSHIRE—
Abergele
Denbigh

BRECKNOCKSHIRE—
Brecknock
Brynmawr

Hoole
Knutsford
Lymm
Middlewich
Nantwich
Neston
Sandbach

DERBYSHIRE—
Ashbourne
Clay Cross
Dronfield
New Mills

BUCKINGHAM-
SHIRE—
Beaconsfield
Eton

DEVONSHIRE—
Brixham
Dawlish
Ilfracombe

CAERNARVON-
SHIRE—
Caernarvon

CORNWALL—
Newquay
St. Ives
Saltash

DORSETSHIRE—
Bridport
Swanage

CARDIGANSHIRE—
Aberystwyth

ELY, ISLE OF—

Ely
Whittlesey

ESSEX—

Epping
Frinton and Walton
Halstead
Maldon
Rayleigh
Witham

FLINTSHIRE—

Connah's Quay
Holywell
Prestatyn

**GLOUCESTER-
SHIRE—**

Charlton Kings

**GLAMORGAN-
SHIRE—**

Glyncorrwg
Porthcawl

HAMPSHIRE—

Alton
Fleet
Petersfield
Romsey

HEREFORDSHIRE—

Leominster
Ross on Wye

HERTFORDSHIRE—

Tring
Ware

**HUNTINGDON-
SHIRE—**

Old Fletton

KENT—

Hythe
Southborough
Swanscombe

LANCASHIRE—

Abram
Adlington
Aspull
Barrowford
Billinge and Winstanley
Blackrod
Brierfield
Church
Clayton le Moors
Kirkham
Lees

LANCASHIRE cont.

Little Lever
Longridge
Milnrow
Orrell
Poulton le Fylde
Preesall
Rainford
Rishton
Skelmersdale
Standish with Langtree
Tottington
Trawden
Upholland
Wardle
Whitworth
Withnell

LEICESTERSHIRE—

Ashby de la Zouch
Ashby Woulds
Oadby
Shepshed

LINCOLNSHIRE—

Sleaford

MERIONETHSHIRE—

Ffestiniog

MONMOUTHSHIRE—

Abergavenny
Bedwas and Machen
Blaenavon
Monmouth
Rhymney

NORFOLK—

East Dereham

**NORTHAMPTON-
SHIRE—**

Daventry
Desborough
Irthlingborough
Raunds
Rothwell

**NORTHUMBER-
LAND—**

Hexham
Newbiggin by the Sea
Prudhoe

**NOTTINGHAM-
SHIRE—**

Eastwood

OXFORDSHIRE—

Henley on Thames
Witney

PEMBROKESHIRE—

Haverfordwest

SHROPSHIRE—

Bridgnorth
Dawley
Ludlow
Whitchurch

SOMERSETSHIRE—

Burnham on Sea
Clevedon
Keynsham
Minehead
Wells

STAFFORDSHIRE—

Amblecote
Rugeley
Stone
Tettenhall
Uttoxeter

SUSSEX—

Newhaven
Seaford

WESTMORLAND—

Windermere

WIGHT, ISLE OF—

Ventnor

WILTSHIRE—

Devizes
Warminster

YORKSHIRE—

Cudworth
Darfield
Denby Dale
Denholme
Dodworth
Driffield
Earby
Filey
Guisborough
Heckmondwike
Horbury
Knaresborough
Knottingley
Loftus
Meltham
Northallerton
Penistone
Queensbury and Shelf
Ripon
Ripponden
Royston
Saltburn and Marske by
the Sea
Scalby
Silsden

WORKERS TO WHOM THIS SCHEDULE APPLIES

- 26.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the workers to whom this Schedule applies are all workers employed in England and Wales in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department, wholly or mainly engaged in the retail bread and flour confectionery trade:

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged) except as respects their employment in a department of that branch if that department is so engaged.

- (2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—
- (i) workers in relation to whom any of the following wages councils operates in respect of any employment which is for the time being within the field of operation of that wages council, that is to say:—
 - (a) the Baking Wages Council (England and Wales) ;
 - (b) the Milk Distributive Wages Council (England and Wales) ;
 - (c) the Road Haulage Wages Council ;
 - (ii) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council ;
 - (iii) workers (other than workers employed as cleaners) employed in the maintenance or repair of buildings, plant, equipment or vehicles ;
 - (iv) workers employed in any ship (which includes every description of vessel used in navigation) ;
 - (v) workers employed on post office business.
- (3) For the purposes of this Schedule the retail bread and flour confectionery trade does not include the sale of biscuits or meat pastries or any sale for immediate consumption on the premises at which the sale is effected, but save as aforesaid consists of the sale by retail of bread (including rolls) or flour confectionery (including pastry) and operations connected with any such sale, including:—
- (i) operations in or about a shop or other place where the bread or flour confectionery is sold, being operations carried on for the purpose of or in connection with such sale ;
 - (ii) operations in connection with the transport of bread or flour confectionery when carried on in conjunction with its sale by retail ;
 - (iii) clerical or other office work carried on in conjunction with the sale by retail as aforesaid and relating to such sale or to any of the operations specified in (i) or (ii) of this sub-paragraph ;

and for the purposes of this definition "sale by retail" includes any sale to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of bread or flour confectionery to the general public.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 17th August 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) Order 1961 (Order B.F.C. (14)) as amended by the Wages Regulation (Retail Bread and Flour Confectionery) (England and Wales) (Amendment) Order 1962 (Order B.F.C. (16)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 1098

SEA FISHERIES

WHITE FISH AND HERRING INDUSTRIES

The White Fish and Herring Subsidies (Aggregate
Amount of Grants) Order 1964

Made - - - -	24th June 1964
Laid before the House of Commons	2nd July 1964
Coming into Operation	15th July 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland (being the Secretary of State concerned with the sea fishing industry in Scotland) in exercise of the powers conferred on them by section 4 of the White Fish and Herring Industries Act 1957(a) and section 1(6) of the Sea Fish Industry Act 1962(b) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Order:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the White Fish and Herring Subsidies (Aggregate Amount of Grants) Order 1964 and shall come into operation on the date on which it is approved by a resolution of the Commons House of Parliament.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Extension of Limit of Aggregate Amount of Grants

2. The aggregate amount of the grants which may be made in pursuance of schemes under section 5 of the White Fish and Herring Industries Act 1953(d) (being schemes providing for grants in respect of white fish) and of schemes under section 3 of the White Fish and Herring Industries Act 1957 (being schemes providing for grants in respect of herring) is hereby increased to £39,500,000.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th June 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture,
Fisheries and Food.

(a) 5 & 6 Eliz. 2. c. 22.
(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 31.
(d) 1 & 2 Eliz. 2. c. 17.

Given under the Seal of the Secretary of State for Scotland on 23rd June 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Approved.
24th June 1964.

Ian MacArthur,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The White Fish and Herring Industries Act 1953 provides that with a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish, schemes may be made for the payment of grants to the owners or charterers of fishing vessels engaged in catching such fish. The White Fish and Herring Industries Act 1957 make similar provision for the payment of grants in respect of herring. The last named Act, as amended by the Sea Fish Industry Act 1962, enables the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland to make orders from time to time increasing the aggregate amount of grants which may be made in pursuance of the aforesaid schemes provided that no one such increase is to exceed £5,000,000.

By this Order the aggregate amount of grants which may be so made, which by virtue of Orders already made is £35,000,000, is increased to £39,500,000.

1964 No. 1099

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Qualifications of Health
Visitors) Regulations 1964**

<i>Made</i> - - - -	15th July 1964
<i>Laid before Parliament</i>	23rd July 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Health, in exercise of the powers conferred on him by section 66 of the National Health Service Act 1946(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Qualifications of Health Visitors) Regulations 1964 and shall come into operation on 1st August 1964.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

“health visitor” means a woman employed by a local health authority for the visiting of persons in their homes for the purpose of giving advice as to the care of young children, persons suffering from illness and expectant or nursing mothers, and as to the measures necessary to prevent the spread of infection, and includes a woman so employed by a voluntary organisation under arrangements with a local health authority;

“the Council” means the Council for the Training of Health Visitors constituted by section 1 of the Health Visiting and Social Work (Training) Act 1962(b);

“the Minister” means the Minister of Health;

“regulations of 1930” means the Local Government (Qualifications of Medical Officers and Health Visitors) Regulations 1930, as amended by the Local Government (Qualifications of Medical Officers and Health Visitors) (Amendment) Regulations 1933(c);

“regulations of 1948” means the National Health Service (Qualifications of Health Visitors and Tuberculosis Visitors) Regulations 1948(d).

(3) The Interpretation Act 1889(e) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. No woman shall be employed as a health visitor unless—

- (a) she holds the health visitors certificate issued by the Council; or
- (b) she holds the health visitors certificate issued by the Royal Society for the Promotion of Health under conditions approved by the Minister; or
- (c) she holds the health visitors certificate issued by the Royal Sanitary Association of Scotland under conditions approved by the Secretary

(a) 9 & 10 Geo. 6. c. 81.

(b) 10 & 11 Eliz. 2. c. 33.

(c) S.R. & O. 1930/69, 1933/408 (Rev. XII, p. 511; 1930, p. 846; 1933, p. 1030).

(d) S.I. 1948/1415 (Rev. XV, p. 767; 1948 II, p. 2170). (e) 52 & 53 Vict. c. 63.

of State for Scotland and duly endorsed by the Association as rendering the holder eligible for appointment as a health visitor in England and Wales as well as in Scotland ; or

- (d) she was qualified prior to 5th July 1948 to hold the appointment of health visitor under the regulations of 1930 otherwise than by virtue of a dispensation given under regulation 10 of those regulations ; or
- (e) she was qualified immediately prior to the date of the coming into operation of these regulations to hold the appointment of health visitor by virtue of a dispensation given under regulation 5 of the regulations of 1948 ; or
- (f) she holds a qualification obtained outside the United Kingdom which the Minister, after consultation with the Council, has approved for the purposes of this regulation :

Provided that—

- (i) a woman who is qualified under paragraph (e) of this regulation shall be regarded as so qualified only in respect of employment by the local health authority or voluntary organisation by whom she is employed at the coming into operation of these regulations or by any other local health authority whose employment she enters in consequence of the transfer to that authority by or under any enactment of any functions of the first mentioned authority ; and
- (ii) a woman who is qualified under paragraph (f) of this regulation shall be regarded as so qualified only for such period and in respect of such employment as is specified by the Minister in his approval of the qualification.

3. The regulations of 1948 are hereby revoked.

Given under the official seal of the Minister of Health on 15th July 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations replace the National Health Service (Qualifications of Health Visitors and Tuberculosis Visitors) Regulations 1948 and add to the list of qualifications prescribed for health visitors employed by local health authorities or employed by voluntary organisations under arrangements with local health authorities the health visitors certificate issued by the Council for the Training of Health Visitors.

Qualifications are no longer prescribed for tuberculosis visitors ; and regulation 5 of the 1948 regulations (under which the Minister of Health could dispense with the requirements of such of the regulations as he thought fit) is not reproduced.

1964 No. 1104 (L. 8)

COUNTY COURTS

The County Court Districts (Ashton under Lyne) Order 1964

Made - - - - - 16th July 1964

Coming into Operation 18th September 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 2 of the County Courts Act 1959(a), do hereby order as follows:—

1. The Ashton under Lyne County Court shall cease to be held at Ashton under Lyne and shall be held at Stalybridge by the name of the Ashton under Lyne and Stalybridge County Court:

Provided that no process shall be invalid if the Court is described therein as the Ashton under Lyne County Court.

2.—(1) The County Court Districts Order 1949(b), as amended (c), shall have effect as further amended by this Order.

(2) This Order may be cited as the County Court Districts (Ashton under Lyne) Order 1964 and shall come into operation on 18th September 1964.

Dated 16th July 1964.

Dilhorne, C.

(a) 7 & 8 Eliz. 2. c. 22.

(b) S.I. 1949/2058 (1949 I, p. 955).

(c) The relevant amending instrument is S.I. 1957/2200 (1957 I, p. 506).

1964 No. 1107 (L. 9)

MAGISTRATES' COURTS

SESSIONS

**The Justices of the Peace (Size and Chairmanship of Bench)
Rules 1964**

<i>Made - - - - -</i>	16th July 1964
<i>Laid before Parliament</i>	23rd July 1964
<i>Coming into Operation</i>	1st August 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 13 of the Justices of the Peace Act 1949(a), as modified by section 33 of the Administration of Justice Act 1964(b), do hereby, after consultation with the Rule Committee appointed under section 15 of the said Act of 1949, make the following Rules :—

1.—(1) These Rules may be cited as the Justices of the Peace (Size and Chairmanship of Bench) Rules 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into operation on 1st August 1964.

(4) The Justices of the Peace (Size and Chairmanship of Bench) Rules 1950(d) and the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1951(e) are hereby revoked without prejudice to the continued operation of anything previously done thereunder.

2.—(1) The number of justices sitting to deal with a case as a court of quarter sessions shall not be greater than nine.

(2) The number of justices sitting to deal with a case as a magistrates' court shall not be greater than seven.

(3) The foregoing paragraph shall not apply to a magistrates' court sitting as a juvenile court or hearing domestic proceedings within the meaning of section 56 of the Magistrates' Courts Act 1952(f).

3.—(1) Each court of quarter sessions shall administer a scheme approved by the Lord Chancellor to secure the presence at each sitting of the court of enough, but not more than enough, justices.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 1964 c. 42. (c) 52 & 53 Vict. c. 63.
 (d) S.I. 1950/1908 (1950 I, p. 1151). (e) S.I. 1951/1982 (1951 I, p. 1173).
 (f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

(2) A scheme approved by the Lord Chancellor in accordance with this Rule may be amended at any time with the approval of the Lord Chancellor.

4.—(1) In this Rule :—

the expression "justice" means any justice who ordinarily acts in and for the petty sessions area, other than—

(a) any person whose name has been entered in the Supplemental List, and

(b) any person who is a justice of the peace by virtue only of his office as a mayor of a borough or chairman of the council of a county or county district or of the Greater London Council ;

the expression "Clerk to the Justices" includes any person acting as such.

(2) The justices for each petty sessions area shall elect from among their number a chairman and one or more deputy chairmen at a meeting to be held in the month of October in every year, of which at least seven days' notice shall be given to each justice for the petty sessions area.

(3) No justice shall be nominated for election before the election takes place.

(4) The justices present shall not proceed to elect a deputy chairman before—

(a) the result of the ballot for the election of the chairman has been announced, and

(b) they have decided how many deputy chairmen are to be elected.

(5) The Clerk to the Justices shall prepare ballot papers containing the names of all the justices in the petty sessions area and shall hand to each justice present at the meeting one list for the election of the chairman and one list for the election of the deputy chairman or deputy chairmen, and each justice shall place a mark on one list against the name of the justice he wishes to be chairman and on the other list against the name or names of the justice or justices he wishes to be deputy chairman or deputy chairmen, as the case may be.

(6) Immediately after each ballot has been closed the Clerk to the Justices shall collect the ballot papers, count the votes and announce the result.

(7) Subject to the provisions of this Rule, no justice shall be declared to be elected chairman unless he obtains more than half of the votes cast and, if no justice obtains such a majority at a ballot, subsequent ballots shall be held until such a majority is obtained :

Provided that, if, after three ballots have been held, no justice has obtained such a majority, the justice who has obtained most votes in the aggregate in the three ballots shall be declared to be elected.

(8) Subject to the provisions of this Rule, the result of a ballot for the election of a deputy chairman or deputy chairmen shall be ascertained by counting the votes given to each justice, and the justice or justices, as the case may be, who have obtained the most votes shall be declared to be elected.

(9) Where any justices receive an equal number of votes and the addition of a vote would entitle one of them to be elected, the Clerk to the Justices shall forthwith decide between those justices by lot and proceed as if the justice on whom the lot falls had received an additional vote.

(10) A ballot paper shall be deemed to be void if—

(a) it is unmarked ; or

(b) it bears any mark or writing from which the voter can be identified ;
or

(c) it is marked in such a manner that there is doubt as to the identity of the justice for whom the vote is recorded ;

and such a ballot paper shall be rejected by the Clerk to the Justices when the votes are counted.

(11) There shall be no disclosure how any justice voted.

(12) A chairman and a deputy chairman elected under these Rules shall hold office for one year from the 1st January next after the date of his election and shall be eligible for re-election.

(13) If the office of chairman or deputy chairman becomes or is about to become vacant for any reason, the justices shall, as soon as practicable, proceed to elect, in the manner hereinbefore provided, another chairman or deputy chairman, as the case may be, who shall hold office for the remainder of the term of the appointment of the justice whom he replaces.

(14) In the absence of a chairman or deputy chairman elected under these Rules, nothing in this Rule shall prevent the appointment by justices present (in any manner which has been customary) of one of their number to preside at a court sitting to deal with any case.

Dated 16th July 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules revoke and re-enact, with minor amendments, the Justices of the Peace (Size and Chairmanship of Bench) Rules 1950 and the Justices of the Peace (Size and Chairmanship of Bench) (Amendment) Rules 1951. In accordance with section 33 of the Administration of Justice Act 1964, Rule 4(1) restricts the class of justices who may take part in the election of the Chairman or Deputy Chairman in any Petty Sessional Division by excluding those who are justices only by virtue of election as Mayor of a Borough or as Chairman of any other local authority.

1964 No. 1108

WAGES COUNCILS

The Wages Regulation (Retail Food) (England and Wales)
Order 1964

Made - - - - 16th July 1964
Coming into Operation 31st August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Food Trades Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Food) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 31st August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Food) (England and Wales) Order 1962(c) and the Wages Regulation (Retail Food) (England and Wales) (Amendment) Order 1963(d), shall cease to have effect.

Dated 16th July 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/2318 (1962 III, p. 3205).
(d) S.I. 1963/1603 (1963 III, p. 3003).

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Food) (England and Wales) Order 1962(a) (hereinafter referred to as "Order R.F.C. (37)") as amended by the Wages Regulation (Retail Food) (England and Wales) (Amendment) Order 1963(b) (Order R.F.C. (39)).

PART I

STATUTORY MINIMUM REMUNERATION
APPLICATION

1. Subject to the provisions of paragraphs 6, 10 and 11, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4 and 5.

Any increase in remuneration payable under the provisions of paragraph 4 or 5 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

SHOP MANAGERS AND SHOP MANAGERESSES

2. Subject to the provisions of this paragraph, the minimum remuneration payable to Shop Managers and Shop Manageresses employed in the areas specified in Column 2 of the next following table shall be the amount appearing in the said Column 2 against the amount of weekly trade shown in Column 1.

Column 1				Column 2					
				London Area per week		Provincial A Area per week		Provincial B Area per week	
				Male	Female	Male	Female	Male	Female
Weekly Trade:—				s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Under £100				221	0 191	6 213	6 185	0 200	6 173
£100 and under £110				226	0 196	6 218	6 190	0 205	6 178
£110 " " £120				228	0 198	6 220	6 192	0 207	6 180
£120 " " £130				230	0 200	6 222	6 194	0 209	6 182
£130 " " £140				232	0 202	6 224	6 196	0 211	6 184
£140 " " £150				234	0 204	6 226	6 198	0 213	6 186
£150 " " £160				235	0 205	6 227	6 199	0 214	6 187
£160 " " £170				236	0 206	6 228	6 200	0 215	6 188
£170 " " £180				237	0 207	6 229	6 201	0 216	6 189
£180 " " £190				238	0 208	6 230	6 202	0 217	6 190
£190 " " £200				239	0 209	6 231	6 203	0 218	6 191
£200 " " £210				240	0 210	6 232	6 204	0 219	6 192
£210 " " £220				241	0 211	6 233	6 205	0 220	6 193
£220 " " £230				242	0 212	6 234	6 206	0 221	6 194
£230 " " £240				243	0 213	6 235	6 207	0 222	6 195
£240 " " £250				244	0 214	6 236	6 208	0 223	6 196
£250 " " £260				245	0 215	6 237	6 209	0 224	6 197
£260 " " £270				246	0 216	6 238	6 210	0 225	6 198
£270 " " £280				247	0 217	6 239	6 211	0 226	6 199
£280 " " £290				248	0 218	6 240	6 212	0 227	6 200
£290 " " £300				249	0 219	6 241	6 213	0 228	6 201
£300 " " £310				252	0 222	6 244	6 216	0 231	6 204
£310 " " £320				253	0 223	6 245	6 217	0 232	6 205
£320 " " £330				254	0 224	6 246	6 218	0 233	6 206
£330 " " £340				255	0 225	6 247	6 219	0 234	6 207
£340 " " £350				256	0 226	6 248	6 220	0 235	6 208
£350 " " £370				257	0 227	6 249	6 221	0 236	6 209
£370 " " £390				258	0 228	6 250	6 222	0 237	6 210
£390 " " £410				259	0 229	6 251	6 223	0 238	6 211
£410 " " £430				260	0 230	6 252	6 224	0 239	6 212
£430 " " £450				261	0 231	6 253	6 225	0 240	6 213
£450 " " £470				263	0 233	6 255	6 227	0 242	6 215
£470 " " £490				264	0 234	6 256	6 228	0 243	6 216
£490 " " £510				265	0 235	6 257	6 229	0 244	6 217
£510 " " £530				266	0 236	6 258	6 230	0 245	6 218
£530 " " £550				267	0 237	6 259	6 231	0 246	6 219
£550 " " £570				269	0 239	6 261	6 233	0 248	6 221
£570 " " £590				270	0 240	6 262	6 234	0 249	6 222
£590 " " £610				271	0 241	6 263	6 235	0 250	6 223
£610 " " £630				272	0 242	6 264	6 236	0 251	6 224
£630 " " £650				273	0 243	6 265	6 237	0 252	6 225
£650 " " £670				275	0 245	6 267	6 239	0 254	6 227
£670 " " £690				276	0 246	6 268	6 240	0 255	6 228
£690 " " £710				277	0 247	6 269	6 241	0 256	6 229
£710 " " £730				278	0 248	6 270	6 242	0 257	6 230
£730 " " £750				279	0 249	6 271	6 243	0 258	6 231
£750 " " £770				281	0 251	6 273	6 245	0 260	6 233
£770 " " £790				282	0 252	6 274	6 246	0 261	6 234
£790 " " £810				283	0 253	6 275	6 247	0 262	6 235
£810 " " £830				284	0 254	6 276	6 248	0 263	6 236
£830 " " £850				285	0 255	6 277	6 249	0 264	6 237
£850 " " " " " "				287	0 257	6 279	6 251	0 266	6 239
over £850 and up to and including £1,250				the appropriate amount specified in this table for a worker employed at a shop where the weekly trade is £850, and in addition 1s. for every com- plete £20 of weekly trade in excess of that sum.					
more than £1,250				307	0 277	6 299	6 271	0 286	6 259

Provided that in shops where the sales of excisable liquors amount to 20 per cent. or more of the weekly trade, the minimum remuneration of the Shop Manager or Shop Manageress shall be that specified in the foregoing table less the following amounts:—

Where the percentage of weekly trade from sales of excisable liquors amounts to—

			s. d.				s. d.
20% and under 30%	...	1 0	60% and under 70%	...	5 0		
30% " " 40%	...	2 0	70% " " 80%	...	6 0		
40% " " 50%	...	3 0	80% " " 90%	...	7 0		
50% " " 60%	...	4 0	90% or over	..	8 0		

For the purposes of this paragraph, "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

For the period of 26 weeks beginning (a) with the 5th week or (b) with the 31st week following the accounting date in any year, the weekly trade of a shop shall be 1/52nd of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the accounting date (in the case of (a) hereof) or immediately preceding the 26th week following the accounting date (in the case of (b) hereof).

Except as provided as aforesaid, the weekly trade in respect of any week shall be the amount of the total receipts for goods sold at the shop in the preceding week.

In this paragraph the expression "accounting date" means that date in each year on which the books of accounts of a shop are closed for the purpose of preparing the annual accounts in respect of that shop, or, in the absence of any such date, the fifth day of April in any year.

TEMPORARY SHOP MANAGERS AND TEMPORARY SHOP MANAGERESSES

3.—(1) Subject to the provisions of this paragraph, the minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses, for each continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph), shall be the appropriate minimum remuneration for a Shop Manager or Shop Manageress, as the case may be, under the provisions of paragraph 2.

(2) In reckoning any continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress for the purposes of sub-paragraph (1) of this paragraph, no account shall be taken of any period of employment:—

(a) not exceeding two consecutive working days; or

(b) not exceeding a total of two weeks in any year, being a period when the Shop Manager or Shop Manageress is absent on holiday:

Provided that for the purposes of this paragraph where in any year a worker is employed by the same employer as a Temporary Shop Manager or Temporary Shop Manageress at more than one shop during the absence on holiday of the Shop Manager or Shop Manageress, the first period of such employment and any subsequent periods of such employment in the same year shall be treated as a continuous period of employment.

(3) The minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses for any period of employment mentioned in (a) or (b) of sub-paragraph (2) of this paragraph, shall be not less than the appropriate minimum remuneration for a Shop Assistant under the provisions of this Schedule.

WORKERS OTHER THAN SHOP MANAGERS, TEMPORARY SHOP MANAGERS, SHOP MANAGERESSES, TEMPORARY SHOP MANAGERESSES AND TRANSPORT WORKERS

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	London Area per week		Provincial A Area per week		Provincial B Area per week	
	Male	Female	Male	Female	Male	Female
(1) CLERK GRADE I, AGED 23 YEARS OR OVER	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
	205 0	153 0	197 6	146 6	184 6	136 0
(2) CLERK GRADE I, AGED UNDER 23 YEARS, CLERK GRADE II, SHOP ASSISTANT, STOCKMAN OR ORDERMAN, CANVASSEER, VAN SALESMAN, CASHIER OR CENTRAL WAREHOUSE WORKER:—						
Aged 22 years or over ...	199 0	148 6	191 6	142 0	178 6	131 6
" 21 and under 22 years ...	181 0	136 0	175 0	129 0	162 0	120 0
" 20 " " 21 " ...	152 0	117 6	147 0	110 6	135 6	104 6
" 19 " " 20 " ...	141 6	111 6	136 6	104 6	125 0	98 6
" 18 " " 19 " ...	128 0	104 0	123 0	97 0	112 6	91 0
" 17 " " 18 " ...	107 6	88 6	101 6	81 6	94 0	76 0
" 16 " " 17 " ...	99 6	83 0	93 6	76 0	87 0	70 6
" under 16 years ...	92 0	77 0	87 0	70 0	80 6	64 6
(3) ALL OTHER WORKERS (OTHER THAN TRANSPORT WORKERS):—						
Aged 22 years or over ...	193 0	142 6	185 0	135 6	176 6	128 6
" 21 and under 22 years ...	179 0	134 0	173 0	127 0	160 0	118 0
" 20 " " 21 " ...	151 0	116 6	146 0	109 6	134 6	103 6
" 19 " " 20 " ...	140 6	110 6	135 6	103 6	124 0	97 6
" 18 " " 19 " ...	127 0	103 0	122 0	96 0	111 6	90 0
" 17 " " 18 " ...	106 6	87 6	100 6	80 6	93 0	75 0
" 16 " " 17 " ...	98 6	82 0	92 6	75 0	86 0	69 6
" under 16 years ...	91 0	76 0	86 0	69 0	79 6	63 6

Provided that where a shop assistant enters, or has entered, the retail food trades for the first time at or over the age of 20 years, the minimum remuneration payable shall be

(i) during the worker's first three months of employment 10s. 0d. per week less, and

(ii) during the worker's second three months of employment 5s. 0d. per week less

than the minimum remuneration otherwise applicable to the worker under subparagraph (2) of this paragraph.

TRANSPORT WORKERS

5. Subject to the provisions of paragraph 1, the minimum remuneration payable to Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
Age of Transport Worker	Type of Vehicle		London Area per week	Provincial A Area per week	Provincial B Area per week
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle			
21 years or over	} 1 ton or less	One-horse	s. d.	s. d.	s. d.
20 and under 21 years			199 0	191 6	178 6
19 " " 20 "			160 0	158 0	147 6
18 " " 19 "			150 0	148 0	137 6
under 18 years			137 0	134 0	124 6
			117 6	114 6	107 0
All ages	Over 1 ton and up to 2 tons	Two-horse	205 0	197 6	184 6
	Over 2 tons and up to 5 tons	—	209 0	201 6	188 6
	Over 5 tons	—	213 0	205 6	192 6

MINIMUM OVERTIME RATES

6. Subject to the provisions of this paragraph, overtime shall be payable at the following minimum rates:—

A. (1) To any worker employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, for employment—

(a) on a weekly rest day or customary holiday—

(i) where time worked does not exceed 4½

hours double time for 4½ hours

(ii) where time worked exceeds 4½ hours but

does not exceed 8 hours double time for 8 hours

(iii) where time worked exceeds 8 hours—

for all time worked double time

(b) on a Sunday, not being a weekly rest day—

(i) where time worked does not exceed 5

hours time-and-a-half for 5 hours

(ii) where time worked exceeds 5 hours—

for all time worked time-and-a-half

(2) To any worker, other than a worker specified in A. (1) or A. (3) of this paragraph, for employment on a Sunday or customary holiday—

(a) where time worked does not exceed 4½ hours double time for 4½ hours

(b) where time worked exceeds 4½ hours but

does not exceed 8 hours double time for 8 hours

- (c) where time worked exceeds 8 hours—
for all time worked double time
- (3) To any worker wholly engaged in the fish trade, for employment on a Sunday or customary holiday when the shop is not open for sale by retail—
- (a) where time worked does not exceed 2 hours double time for 2 hours
- (b) where time worked exceeds 2 hours but does not exceed 4½ hours double time for 4½ hours
- (c) where time worked exceeds 4½ hours but does not exceed 8 hours double time for 8 hours
- (d) where time worked exceeds 8 hours—
for all time worked double time

Provided that where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the foregoing provisions of this paragraph shall apply in like manner as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

B. To any worker—

- (1) On the weekly short day (not being a weekly short day to which (2) of this sub-paragraph applies):—
for all time worked after 1.30 p.m. time-and-a-half
- (2) On the weekly short day in any week during which, under section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half-holiday—
for all time worked after 1.30 p.m. double time
- (3) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph—
- (a) in the case of workers employed not less than 80 per cent of their time in the sale of excisable liquors and work connected therewith and employed in an undertaking with a seven-day Licence open on seven days in the week—
for all time worked in excess of 46 hours time-and-a-half
- (b) in the case of workers employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods—
for all time worked in excess of 45 hours time-and-a-half
- (c) in the case of all workers other than those specified in B. (3) (a) and (b) of this paragraph—
for all time worked in excess of 44 hours time-and-a-half

Provided that in any week which includes one customary holiday the periods of "44 hours", "45 hours" and "46 hours" shall be reduced by 8 hours and in any week which includes two customary holidays, by 16 hours.

Overtime rates in accordance with this paragraph shall be payable to a Shop Manager, Temporary Shop Manager, Shop Manageress or Temporary Shop Manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

BENEFITS OR ADVANTAGES

7.—(1) The benefits or advantages set out in (a), (b), (c), (d), (e) and (f) of this sub-paragraph, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of a worker to whom this Schedule applies, by the employer or by some other person under arrangements with the employer, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner:—

(a) Dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 10s. 0d. per week, except in the circumstances provided for in (d) or (e) of this sub-paragraph.

(b) Tea of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 3s. 9d. per week, except in the circumstances provided for in (d) or (e) of this sub-paragraph.

(c) Full board on Sunday and customary holidays, part board only on the other days of the week and lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area	Provincial A Area	Provincial B Area
	per week	per week	per week
	s. d.	s. d.	s. d.
21 years or over	31 5	27 1	23 5
20 and under 21 years	29 6	25 3	21 0
19 " " 20 " "	27 1	22 10	19 2
18 " " 19 " "	24 8	20 4	16 8
17 " " 18 " "	22 10	18 6	14 3
16 " " 17 " "	19 9	15 5	11 9
under 16 years	17 11	13 7	9 4

(d) Full board and lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area	Provincial A Area	Provincial B Area
	per week	per week	per week
	s. d.	s. d.	s. d.
21 years or over	42 0	37 9	34 1
20 and under 21 years	40 2	35 11	31 8
19 " " 20 " "	37 9	33 6	29 9
18 " " 19 " "	34 8	30 5	26 9
17 " " 18 " "	32 10	28 7	24 3
16 " " 17 " "	29 9	25 6	21 3
under 16 years	27 4	23 1	19 5

(e) Full board (but not lodging) for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area	Provincial A Area	Provincial B Area
	per week	per week	per week
	s. d.	s. d.	s. d.
21 years or over	27 9	27 7	25 8
20 and under 21 years	27 1	26 11	23 10
19 " " 20 " "	25 10	25 8	23 1
18 " " 19 " "	23 4	23 2	20 8
17 " " 18 " "	22 8	22 6	19 4
16 " " 17 " "	20 2	20 0	17 6
under 16 years	19 6	19 4	16 3

(f) Lodging for the full week, as the appropriate amount set out in the table below:—

In the case of a worker aged	London Area per week	Provincial A Area per week	Provincial B Area per week
	s. d.	s. d.	s. d.
21 years or over	14 3	10 2	8 5
20 and under 21 years	13 1	9 0	7 10
19 " " 20 "	11 11	7 10	6 8
18 " " 19 "	11 4	7 3	6 1
17 " " 18 "	10 2	6 1	4 11
16 " " 17 "	9 7	5 6	3 9
under 16 years	7 10	3 9	3 2

Provided that where in any week the total amount which, in accordance with the foregoing provisions of this sub-paragraph, the employer would be entitled to reckon as payment of wages to a worker in lieu of payment in cash, exceeds the appropriate amount (according to the age of the worker and the area in which he is employed) set out in (d) of this sub-paragraph, then in the case of that worker the employer shall not be entitled in respect of that week, so to reckon as payment of wages as aforesaid, more than such appropriate amount set out in (d) of this sub-paragraph:

Provided also that where a worker is employed in a shop—

- (i) which is registered under section 53 of the Shops Act 1950 (which relates to persons observing the Jewish Sabbath), this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday", in (c) thereof, there were substituted the word "Saturday";
- (ii) situated in a district in which an order is in force under section 54 of the Shops Act 1950, authorising shops to be open for the service of customers on Sunday and which it is the practice to keep open on Sunday, this sub-paragraph in relation to such a worker shall have effect as if for the word "Sunday" there were substituted the words "the week-day upon which the shop in which the worker is employed must be closed in pursuance of an order made under section 54 of the Shops Act 1950".

(2) In this paragraph—

"PART BOARD" means breakfast and supper, being meals of good and sufficient quality and quantity;

"FULL BOARD" means breakfast, dinner, tea and supper, being meals of good and sufficient quality and quantity; and

"LODGING" means clean and adequate accommodation and clean and adequate facilities for eating, sleeping, washing and leisure.

- (3) Nothing in this paragraph shall be construed as authorising the making of any deduction or the giving of remuneration in any manner which is illegal by virtue of the Truck Acts 1831 to 1940(a), or of any other enactment.

WAITING TIME

8. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—
- (1) without the employer's consent, express or implied;
 - (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;
 - (3) by reason only of the fact that he is resident thereon; or
 - (4) during normal meal times, and he is not waiting for work to be given to him to perform.

(a) 1 & 2 Will. 4. c. 37; 50 & 51 Vict. c. 46; 59 & 60 Vict. c. 44; 3 & 4 Geo. 6. c. 38.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

9.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday not less than the amount to which he would have been entitled under the foregoing provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

(2) A worker shall not be entitled to any payment under this paragraph unless he:—

(a) worked for the employer throughout the last working day on which work was available for him preceding the holiday; and

(b) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

10.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

(2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is:—

(a) in the case of workers employed not less than 80 per cent. of their time in the sale of excisable liquors and work connected therewith in an undertaking open on seven days in the week—

one-third of the remuneration payable in respect of overtime for work on a Sunday, which is not a weekly rest day, the whole of the remuneration payable in respect of overtime for work on the weekly rest day or on the weekly short day and one half of the remuneration payable in respect of overtime for work on a customary holiday.

(b) in the case of all other workers—

the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one half of the remuneration payable in respect of overtime for work on a customary holiday.

(3) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3, 4 or 5 for work in his normal occupation for the number of hours specified in (a), (b) or (c) of sub-paragraph (1) of paragraph 11, as the case may be:

Provided that—

(a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 11) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;

(b) where in any week a worker at his request and with the consent of his employer is absent from work during any part of his normal

working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.

- (4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (b) to sub-paragraph (3) of this paragraph) is
- (a) capable of and available for work ; and
 - (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid :

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 11.—(1) The minimum remuneration specified in this Part of this Schedule relates—
- (a) in the case of any worker aged 16 years or over employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, to a week of 46 hours exclusive of overtime,
 - (b) in the case of any worker aged 16 years or over who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, to a week of 45 hours exclusive of overtime,
 - (c) in the case of any other worker, to a week of 44 hours exclusive of overtime,
- and, except as provided in paragraph 10 (which deals with guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 46, 45 or 44 as the case may be.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 8 hereof (which relates to waiting time), be excluded.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION ANNUAL HOLIDAY

- 12.—(1) Subject to the provisions of paragraph 13, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker (other than a worker who normally works for the employer for less than 9 hours in a week) in his employment to whom this Schedule applies

who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 19) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows :—

Period of employment	Duration of annual holiday			
	Where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months ...	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months	11 "	9 "	7 "	5 "
" " " 10 " " " " "	10 "	8 "	7 "	5 "
" " " 9 " " " " "	9 "	7 "	6 "	4 "
" " " 8 " " " " "	8 "	7 "	5 "	4 "
" " " 7 " " " " "	7 "	6 "	5 "	3 "
" " " 6 " " " " "	6 "	5 "	4 "	3 "
" " " 5 " " " " "	5 "	4 "	3 "	2 "
" " " 4 " " " " "	4 "	3 "	3 "	2 "
" " " 3 " " " " "	3 "	2 "	2 "	1 day
" " " 2 " " " " "	2 "	2 "	1 day	1 "
" " " 1 month " " "	1 day	1 day	1 "	nil

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

(b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the first day of January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;

(c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.F.C. (37) between 1st April 1964 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means in relation to the year 1964, the period commencing on 1st April 1964 and ending on 31st October 1964, and in each succeeding year the period commencing on 1st April and ending on 31st October of the same year.

13. Where at the written request of the worker at any time during the three months immediately preceding the commencement of the holiday season in any year, his employer allows him any day or days of annual holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 16 and 17, then

(1) the annual holiday to be allowed in accordance with paragraph 12 in the holiday season in that year shall be reduced by the day or days of annual holiday so allowed prior to the commencement of that holiday season ; and

- (2) for the purpose of calculating accrued holiday remuneration under paragraph 18 any day or days of annual holiday deducted in accordance with sub-paragraph (1) hereof shall be treated as if they had been allowed in the holiday season.
- 14.—(1) An annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
- (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2) (b) of paragraph 12.
- (5) No day of annual holiday shall be allowed on a customary holiday.
- (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959:
- Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.
15. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 16.—(1) Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
17. Where, in accordance with the provisions of this Schedule or of Order R.F.C. (37), any accrued holiday remuneration has been paid by the employer to the worker in respect of employment during a period referred to in paragraph 18 the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.F.C. (37).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker (other than a worker who normally works for the employer for less than 9 hours in a week) ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

- (1) in respect of employment occurring before 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 13) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday;
- (c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given not less than one week's notice, or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

19. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL DEFINITIONS

20. For the purposes of this Schedule—

"CANVASSER" means a worker wholly or mainly employed on canvassing for orders.

"CARRYING CAPACITY" means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers

during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

“CASHIER” means a worker employed in a shop and engaged wholly or mainly in receiving cash and giving change.

“CENTRAL WAREHOUSE WORKER” means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail food trades supplies its shops.

“CLERK GRADE I” means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.

“CLERK GRADE II” means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.

“CUSTOMARY HOLIDAY” means—

Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be prescribed by national proclamation or, if no such day is prescribed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday; or where in any establishment it is not the custom or practice to observe such days as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.

“FULL-TIME WORKER” means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

“LONDON AREA”, “PROVINCIAL A AREA” and “PROVINCIAL B AREA” have the meanings respectively assigned to them in paragraph 21.

“MONTH” means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

“NORMAL WORKING WEEK” means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 18 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at

the termination date, as the case may be, for one week's work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition "appropriate proportion" means—

where the worker's normal working week is	six days	...	one-sixth
"	"	"	five "
"	"	"	four "
"	"	"	three "
"	"	"	two "
"	"	"	one day
			... the whole.

"SHOP ASSISTANT" means a worker wholly or mainly employed in the serving of customers.

"SHOP MANAGER", "SHOP MANAGERESS" means a worker who is employed at, and is normally immediately in charge of the operation of, an undertaking or branch (but not of a department of an undertaking or branch), who has the custody of cash and stock, and who has immediate control of other workers (if any) employed at that undertaking or branch; and for the purposes of this definition a worker shall not be deemed not to be immediately in charge of the operation of an undertaking or branch by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the undertaking or branch is open to the public, wholly or mainly engaged in work at that undertaking or branch.

"STOCKMAN OR ORDERMAN" means a worker employed in a shop, or in a warehouse carried on in conjunction with a shop, and wholly or mainly engaged in the custody of goods or the receiving and checking of stock or the assembly of orders.

"TEMPORARY SHOP MANAGER", "TEMPORARY SHOP MANAGERESS" means a worker who during the absence of a Shop Manager or Shop Manageress performs all the duties of the Shop Manager or the Shop Manageress, whilst he is performing the said duties.

"TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a half times and twice the hourly rate obtained by dividing the weekly minimum remuneration to which the worker is entitled under the provisions of paragraph 2, 3, 4 or 5—

- (1) in the case of a worker aged 16 years or over employed not less than 80 per cent. of his time in the sale of excisable liquors and work connected therewith in an undertaking with a seven-day Licence open on seven days in the week, by 46;
- (2) in the case of a worker aged 16 years or over who is employed in a shop which is wholly or mainly engaged in the sale of cooked meats or other cooked foods, by 45;
- (3) in the case of any other worker, by 44.

"TRANSPORT WORKER" means a worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

"VAN SALESMAN" means a worker wholly or mainly employed in the sale of goods to customers from a van or other vehicle.

“WATCHMAN” means a worker engaged in guarding the employer’s premises for the prevention of theft, fire, damage or trespass.

“WEEK” means “pay week”.

“WEEKLY REST DAY” means one day in each week which has been notified to the worker before the commencement of that week as a rest day or failing such notification, Sunday.

“WEEKLY SHORT DAY” means that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half past one o’clock in the afternoon, or, where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week which is not a customary holiday.

“YEAR” means the 12 months commencing with the 1st January and ending with the 31st December.

AREAS

21.—(1) In this Schedule :—

(a) “London Area” means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.

(b) “Provincial A Area” means the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (c) of this subparagraph.

(c) “Provincial B Area” means all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (Excluding Monmouthshire)

BEDFORDSHIRE	CORNWALL	DEVONSHIRE
Ampthill	Bodmin	Ashburton
Sandy	Bude Stratton	Axminster
	Fowey	Buckfastleigh
BERKSHIRE	Helston	Budleigh Salterton
	Launceston	Crediton
Wallingford	Liskeard	Dartmouth
Wantage	Looe	Great Torrington
	Lostwithiel	Holsworthy
BUCKINGHAMSHIRE	Padstow	Honiton
	Penryn	Kingsbridge
Buckingham	St. Just	Lynton
Linslade	Torpoint	Northam
Marlow		Okehampton
Newport Pagnell		Ottery St. Mary
	DERBYSHIRE	Salcombe
CESHIRE		Seaton
	Bakewell	South Molton
Alsager	Whaley Bridge	Tavistock
Longendale	Wirksworth	Totnes.

(a) 9 & 10 Geo. 6. c. 46.

DORSETSHIRE

Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM

Barnard Castle
Tow Law

ELY, ISLE OF

Chatteris

ESSEX

Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE

Nailsworth
Tewkesbury

HEREFORDSHIRE

Bromyard
Kington
Ledbury

HERTFORDSHIRE

Baldock
Chorleywood
Royston
Sawbridgeworth
Stevenage

HUNTINGDONSHIRE

Godmanchester
Huntingdon
Ramsey
St. Ives
St. Neots

KENT

Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE

Carnforth
Grange

LINCOLNSHIRE (Parts of Kesteven)

Bourne

LINCOLNSHIRE (Parts of Lindsey)

Alford
Barton-upon-Humber
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

NORFOLK

Cromer
Diss
Downham Market
New Hunstanton
North Walsham
Sheringham
Swaffham
Thetford
Wells
Wymondham

NORTHAMPTON-SHIRE

Brackley
Burton Latimer
Higham Ferrers
Oundle

NORTHUMBERLAND

Alnwick
Amble

OXFORDSHIRE

Bicester
Chipping Norton
Thame
Woodstock

RUTLANDSHIRE

Oakham

SHROPSHIRE

Bishop's Castle
Church Stretton
Ellesmere
Market Drayton
Newport
Wem

SOMERSETSHIRE

Chard
Crewkerne
Glastonbury
Ilminster
Portishead
Shepton Mallet
Street
Watchet
Wellington

SUFFOLK

Aldeburgh
Beccles
Bungay
Eye
Hadleigh
Halesworth
Haverhill
Leiston-cum-Sizewell
Saxmundham
Southwold
Sudbury
Stowmarket
Woodbridge

SUSSEX

Arundel
Burgess Hill
Rye

WESTMORLAND

Appleby
The Lakes

WILTSHIRE

Bradford-on-Avon
Calne
Malmesbury
Marlborough
Melksham
Westbury
Wilton

WORCESTERSHIRE

Bewdley
Droitwich

YORKSHIRE

Hedon
Hornsea
Malton
Norton
Pickering
Richmond
Tickhill
Withernsea

WALES AND MONMOUTHSHIRE

ANGLESEY Amlwch Beaumaris Llangefni Menai Bridge	CARMARTHENSHIRE Cwmamman Kidwelly Llandilo Llandoverly Newcastle Emlyn	MONMOUTHSHIRE Caerleon Chepstow Usk
BRECKNOCKSHIRE Builth Wells Hay Llanwrtyd	DENBIGHSHIRE Llangollen Llanrwst Ruthin	MONTGOMERYSHIRE Llanfyllin Llanidloes Machynlleth Montgomery Newtown and Llanllwchaiarn Welsphool
CAERNARVONSHIRE Bethesda Bettws-y-Coed Criccieth Llanfairfechan Penmaenmawr Portmadoc Pwllheli	FLINTSHIRE Buckley Mold	PEMBROKESHIRE Fishguard and Goodwick Narberth Neyland Tenby
CARDIGANSHIRE Aberayron Cardigan Lampeter New Quay	MERIONETHSHIRE Bala Barmouth Dolgelley Towyn	RADNORSHIRE Knighton Llandrindod Wells Presteign

(2) Any reference in this paragraph to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

22.—(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in England and Wales in any undertaking or any branch or department of an undertaking being an undertaking, branch or department engaged—

(a) wholly or mainly in the retail food trades ; or

(b) wholly or mainly in the retail food trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail food trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged, this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this sub-paragraph—

(a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades ;

(b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

- (i) workers in relation to whom any Wages Council operates (other than the Retail Food Trades Wages Council (England and Wales)) in respect of any employment which is for the time being within the field of operation of that Wages Council ;**
- (ii) workers employed on post office business ;**
- (iii) workers for whom minimum rates of wages are fixed by the Agricultural Wages Board ;**
- (iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners) ;**
- (v) workers employed in any ship (which includes every description of vessel used in navigation) ;**
- (vi) workers employed as watchmen for any time during which they are so employed.**

(3) For the purpose of this Schedule the retail food trades do not include the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption, but save as aforesaid consist of the sale by retail of food or drink for human consumption and operations connected therewith including:—

- (i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;**
- (ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail ;**
- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) of this sub-paragraph ; and**
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) of this sub-paragraph ;**

and for the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

APPENDIX TO PARAGRAPH 22

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Furnishing and Allied Trades, that is to say—

(1) the sale by retail of the following articles:—

- (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures ;
 - (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements ;
 - (c) hand tools ;
 - (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments ;
 - (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof ;
 - (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof ;
 - (g) radio and television sets and their accessories and component parts ;
 - (h) pedal cycles and their accessories and component parts ;
 - (i) perambulators, push chairs and invalid carriages ;
 - (j) toys, indoor games, requisities for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing ;
 - (k) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods ;
 - (l) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils) ;
 - (m) brushes, mops and brooms, used for household purposes, and similar articles ;
 - (n) disinfectants, chemicals, candles, soaps and polishes of kinds commonly used for household purposes ;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 2. The Retail Drapery, Outfitting and Footwear Trades, that is to say—**(1) the sale by retail of the following articles:—**

- (a) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);
 - (b) haberdashery;
 - (c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor coverings);
 - (d) knitting, rug, embroidery, crochet and similar wools or yarns;
 - (e) made-up household textiles (but excluding mattresses and floor coverings);
 - (f) umbrellas, sunshades, walking sticks, canes and similar articles;
 - (g) ladies' handbags;
- (2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 3. The Retail Bookselling and Stationery Trades, that is to say:—**(1) the sale by retail of the following articles:—**

- (a) books (excluding printed music and periodicals);
 - (b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;
 - (c) pens, pencils, ink, blotting paper and similar articles;
 - (d) maps and charts;
 - (e) wrapping and adhesive paper, string, paste and similar articles;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

- (1) the sale by retail of the following articles:—
 - (a) newspapers, magazines and other periodicals ;
 - (b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;
 - (c) articles of sugar confectionery and chocolate confectionery, and ice-cream ;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 31st August 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Retail Food) (England and Wales) Order 1962 (Order R.F.C. (37)) as amended by the Wages Regulation (Retail Food) (England and Wales) (Amendment) Order 1963 (Order R.F.C. (39)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 1109 (S. 74)

ANIMALS

DISEASES OF ANIMALS

The Tuberculosis (Scotland) Order 1964

<i>Made</i> - - - -	14th July 1964
<i>Laid before Parliament</i>	24th July 1964
<i>Coming into Operation</i>	1st August 1964

The Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the power conferred on them by section 85(1) of the Diseases of Animals Act 1950(a) and of all other powers them enabling, as respects the revocation of the Orders mentioned in Article 2 of the following Order, and (save for such revocation) the Secretary of State in exercise of the powers conferred on him by sections 1, 8(3), 17(2), 20, 24(1), 28(2), 33(1), 77(3) and 84(3)(a) of the said Act, and of all other powers him enabling, hereby respectively make the following Order:—

Citation, revocation and interpretation

1. This Order may be cited as the Tuberculosis (Scotland) Order 1964 and shall come into operation on 1st August 1964.

2. The Tuberculosis Order of 1938, as amended(b) (save Articles 6 and 7 thereof), the Tuberculosis (Area Eradication) Order 1950(c), as amended(d), and the Tuberculosis (Slaughter of Reactors) Order 1950(e), as amended(f), in their application to Scotland, are hereby revoked.

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

“the Act” means the Diseases of Animals Act 1950;

“affected animal” means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis;

“approved disinfectant” means a 5 per cent solution of standard phenol or a disinfectant otherwise approved for the time being for the purposes of the Diseases of Animals (Disinfection) Order of 1936(g);

“bovine animal” means a bull, cow, steer, heifer or calf;

“cow” includes a heifer that has calved or is in milk;

“the divisional veterinary inspector” means the veterinary inspector appointed for the time being by the Minister to receive information

(a) 14 Geo. 6. c. 36. (b) S.R. & O. 1938/165, 1946/122 (Rev. II, p. 658 ; 1938 I, p. 293 ; 1946 I, p. 39). (c) S.I. 1950/2006 (1950 I, p. 173).
 (d) S.I. 1954/762, 1955/1449, 1960/87 (1954 I, p. 148; 1955 I, p. 214; 1960 I, p. 307).
 (e) S.I. 1950/2007 (1950 I, p. 188). (f) S.I. 1959/1461 (1959 I, p. 243).
 (g) S.R. & O. 1938/191 (Rev. II, p. 320; 1938 I, p. 303).

about animals affected or suspected of being affected with specified diseases from time to time specified by the Minister for the area in which the animal is ;

“ licence ” means a licence issued under this Order by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State ;

“ milk ” includes cream and separated or skimmed milk ;

“ the Minister ” and “ the Ministry ” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food ;

“ premises ” includes land with or without buildings, but does not include any market, sale yard, fairground, lair, or place of exhibition ;

“ veterinary inspector ” means a veterinary inspector appointed by the Minister.

(2) References in this Order to notices served in Form A or Form B shall be construed as references to notices served in the forms respectively so headed in the schedule to this Order, or in forms substantially to the like effect.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

(4) Without prejudice to the last foregoing paragraph any notice, consent, licence, requirement or other thing whatsoever which was served, given, issued, granted, imposed or done under any order revoked by this Order shall, if in force immediately before the commencement of this Order continue in force and have effect as if served, given, issued, granted, imposed or done under the corresponding provision of this Order ; and any document referring to any order revoked by this Order shall be construed as referring to this Order or to the corresponding provision thereof.

Extent and scope

4. This Order applies to Scotland and the following provisions of it shall have effect for the purpose of preventing the introduction and spread of tuberculosis of cattle and of eradicating such tuberculosis.

Notice of disease

5.—(1) Every person having in his possession or under his charge on any premises—

(a) any cow which is or appears to be—

(i) an affected animal, or

(ii) affected with an indurated udder or other chronic disease of the udder ; or

(b) any other bovine animal which is or appears to be an affected animal,

and every veterinary surgeon or veterinary practitioner who in his private practice examines any bovine animal, and is of opinion or suspects that the animal is an affected animal shall with all practicable speed give notice of the fact to a constable of the police force for the area wherein the animal is or to a veterinary inspector.

(2) The person in possession or having charge of the animal shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other bovine animals, and shall adopt precautions

with respect to milk as if a notice in Form A had already been served upon him under Article 6 of this Order.

(3) The constable receiving any notice under this Article shall forthwith give information of the receipt of such notice to the divisional veterinary inspector and to an inspector of the local authority.

Detention and isolation of animals and precautions to be adopted with respect to milk and prohibition of movement

6.—(1) An inspector of a local authority on receiving information in any manner whatsoever that there is on any premises a bovine animal which is or is suspected to be an affected animal shall proceed with all practicable speed to the place where such animal is, and shall forthwith serve a notice in Form A on the owner or person in charge of the animal. The inspector shall with all practicable speed send a copy of the notice to the divisional veterinary inspector and to the local authority.

(2) A veterinary inspector may serve a notice in Form A on the owner or person in charge of any bovine animal examined by him which in his opinion is or may be an affected animal.

(3) A notice (Form A) served under this Article shall remain in force until the animal to which it relates has died, or has been slaughtered pursuant to section 17 of the Act, or until the notice is cancelled by a further notice served in accordance with Article 7 of this Order.

Cancellation of restrictions

7. If the report of a veterinary inspector on any animal in respect of which a notice (Form A) has been served does not show that it is an affected animal, the veterinary inspector shall forthwith serve a notice on the person on whom the notice (Form A) was served cancelling such notice.

Tuberculin tests and vaccination

8.—(1) The owner or person in charge of any bovine animal shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry as to the collection, penning and securing of any such animal for the purpose of examining it or of applying a tuberculin test or, in a case where the Secretary of State proposes to cause any such animal to be slaughtered by reason of its being affected, or suspected of being affected, with tuberculosis, of its having reacted to a tuberculin test, or of its having been exposed to the infection of tuberculosis, for the purpose of ascertaining its value.

This paragraph shall be without prejudice to the powers of entry (and other powers) conferred by sections 6 and 73 of the Act.

(2) No bovine animal shall be tested with tuberculin except with the consent of the Secretary of State.

(3) No bovine animal shall be vaccinated against tuberculosis.

Slaughter and disposal of affected animals and reactors

9. Where the Secretary of State is satisfied that a bovine animal kept on any premises—

- (a) is an affected animal; or
- (b) has reacted to a tuberculin test,

and he proposes to cause to be slaughtered any such animal, or any bovine animal kept on any premises which has been exposed to the infection

of tuberculosis by contact with any such animal as is mentioned in heads (a) or (b) of this Article, a veterinary inspector may serve a notice in Form B on the owner or person in charge of any such animal informing him of the proposed slaughter and requiring him to detain the animal pending such slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from other animals that are not for the time being specified in a notice served under this Article.

Precautions against spread of infection

10.—(1) Where the Secretary of State is satisfied that any bovine animal kept on any premises is an affected animal or has reacted to a tuberculin test, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the owner or person in charge of any such animal, require him within a time specified therein—

- (a) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting by contact any bovine animal kept on any adjoining premises ;
- (b) to remove any bovine animal from such parts of any buildings on the premises as may be specified in the notice, and thereafter to cleanse and disinfect such parts in the following manner :—
 - (i) before removal of manure from the said parts, those parts shall be sprayed or saturated with an approved disinfectant ;
 - (ii) manure shall then be removed from the said parts and stacked in a place remote from the bovine animals, goats and swine, and shall not subsequently be spread on pasture land ;
 - (iii) after the removal of the manure, the said parts shall be thoroughly scraped, the scrapings shall be removed and the said parts shall then be scrubbed and washed thoroughly with a 4 per cent solution of washing soda in hot water or cleansed in such other manner as may be approved in writing by the Secretary of State and finally sprayed with an approved disinfectant ;
 - (iv) all utensils or other articles used for or about the animal in respect of which notice has been served shall be thoroughly cleansed and washed with a 4 per cent solution of washing soda in hot water or in such other manner as may be approved in writing by the Secretary of State ;
 - (v) the boots worn by and the hands of persons who have carried out the disinfection shall be washed in an approved disinfectant.

(2) If any person on whom a notice is served under paragraph (1) of this Article fails to comply with such notice so far as it relates to any of the requirements mentioned in subparagraph (b) of that paragraph, it shall be lawful for a veterinary inspector, without prejudice to any proceedings for an offence arising out of such default, to enter on to the premises in respect of which the notice is served and to carry out the works therein specified (or to cause them to be carried out), and the amount of any expenses reasonably incurred by the veterinary inspector for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by the Secretary of State as a civil debt from the person in default.

11.—(1) Where, for the purpose mentioned in Article 4 of this Order, it appears to a veterinary inspector expedient so to do, he may, by notice in writing served on the owner or person in charge of bovine animals kept

on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises (not being a movement to a slaughterhouse for the purposes of slaughter either pursuant to section 17 of the Act or in consequence of an injury or similar emergency) except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

(2) Such notice shall remain in force until it is cancelled by a further notice in writing given by a veterinary inspector and served as aforesaid.

Suspected animals in markets, fairs and sales

12.—(1) Where any bovine animal which is or is suspected by a veterinary inspector to be an affected animal is exposed in a market, fairground, or sale yard, or other public or private place where animals are commonly exposed for sale (in this Article referred to as "sale premises") the veterinary inspector may, by notice served on the owner or person in charge of the animal, require it to be removed from the sale premises to the premises from which it was brought thereto (unless such premises are also sale premises), or, at the option of the owner or person in charge (or, where such premises are also sale premises, without such option) to other suitable premises or to a slaughterhouse, to be specified in the notice, and thereupon the animal shall forthwith be moved by the owner or person in charge to such premises for the purpose of examination under the foregoing provisions of this Order, or as the case may be, to such slaughterhouse.

(2) Where any such notice as is mentioned in paragraph (1) of this Article has been served, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the occupier or other person in charge of the sale premises in respect of which such first mentioned notice was served, require him within a time specified in the notice to cleanse and disinfect such parts of the sale premises as may be specified therein, and the person on whom such a notice is served shall within the time so specified cause the cleansing and disinfection to be carried out in the manner prescribed in Article 10(1)(b) of this Order.

(3) Where an animal is so moved to a slaughterhouse it shall not be moved from the slaughterhouse and shall be caused by its owner to be slaughtered within ninety-six hours after its arrival thereat.

(4) No compensation shall be payable in respect of an animal caused by the owner to be slaughtered under this Article.

Prohibition of importation of diseased animals

13.—(1) The landing in Scotland from any country outside Great Britain of any bovine animal which is or appears to be an affected animal is hereby prohibited.

(2) A veterinary inspector may cause any such animal landed in contravention of the foregoing paragraph to be slaughtered, and no compensation shall be payable in respect thereof.

Movement of imported animals

14.—(1) Where a bovine animal, having been imported from the Republic of Ireland is moved to a slaughterhouse under the authority of a licence granted under schedule 2 to the Act, and the animal is described in that

licence as not being of attested status, the person owning or in charge of the animal shall ensure that the animal—

- (a) shall, before it is moved to the slaughterhouse, be marked by the clipping on its left hind quarter of a broad arrow 6 inches long and by the clipping of the hair off the end of its tail ;
- (b) shall not, during the movement authorised by the licence aforesaid, be permitted to come into contact with any bovine animal other than one that is for the time being subject to the requirements of this paragraph ;
- (c) shall not, when moved to the slaughterhouse, be moved therefrom alive, but shall be slaughtered not later than 6 days after the day of its arrival there.

(2) In this Article the expression "slaughterhouse" has the meaning assigned to it in paragraph 7 of schedule 2 to the Act.

Control of goats and swine

15. For the purposes of preventing the risk of infection by tuberculosis from goats or swine kept on any premises on which any bovine animal is kept, a veterinary inspector or other officer of the Ministry may by notice in writing served on the occupier of the premises require him to keep them under such control as may be prescribed in the notice or to confine them to a specified part of the premises.

Marking of bovine animals

16.—(1) The owner of a bovine animal kept on any premises shall mark or identify the animal in a manner approved by the Secretary of State and shall thereafter maintain such mark or identification so as to be clearly legible :

Provided that this requirement shall not apply in relation to any animal less than 14 days old that is not removed, or is removed only to a slaughterhouse from such premises, within such period of 14 days.

(2) A veterinary inspector or other officer of the Ministry may, if in his opinion it is necessary so to do, for the purposes of this Order, paint, stamp, or clip any mark on, or affix any tag to the ear of any bovine animal.

(3) No person shall, or shall attempt to, efface, alter, obliterate or remove any such mark, identification or tag as is made or affixed pursuant to the foregoing paragraphs of this Article.

Notices and Licences

17.—(1) Every such notice as mentioned in Articles 6, 9, 10, 11(1), 12 and 15 of this Order shall be complied with by the person on whom the notice is served.

(2) Failure by any person without lawful authority or excuse, proof whereof shall lie on him, to comply with the conditions of a licence issued under this Order shall be an offence against the Act.

(3) Every licence issued under this Order shall accompany the animal to which it relates throughout the time during which the animal is being moved thereunder, and the person for the time being in charge of the animal shall on demand produce it to any veterinary inspector or other officer of the Ministry or an officer of the Secretary of State or inspector of a local authority or police constable and allow a copy of or extract from it to be taken and shall also, if required, give his name and address.

Extension of definition of disease

18. For the purposes of the Act the definition of the expression "disease" in section 84(3)(a) thereof shall continue to be extended so as to include a reference to tuberculosis, and section 17 of the Act shall continue to apply to that disease.

Enforcement by local authority

19. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Given under the Seal of the Secretary of State for Scotland.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

13th July 1964.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

14th July 1964.

SCHEDULE

Articles 5, 6 and 7

(Forms of Notice prescribed in the Order)

FORM A

DISEASES OF ANIMALS ACT 1950

TUBERCULOSIS (SCOTLAND) ORDER 1964

Notice requiring detention and isolation of suspected animals, adoption of precautions with respect to milk and prohibiting movement of bovine animals

To A.B.

of

I, the undersigned, being [a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food or] [an inspector appointed by the local authority of the (burgh) of] hereby give you notice as the owner or person in charge of the following animal, namely, on the under-mentioned premises which is or is suspected to be an affected animal for the purposes of the above-mentioned Order requiring you to detain

the animal on the said premises and to keep the animal isolated as far as practicable from other bovine animals that is to say, bulls, cows, steers, heifers or calves, and, if the aforesaid animal is a cow, requiring you to take steps to ensure that the milk produced by the cow shall not be mixed with other milk until the cow has been examined by a veterinary inspector in accordance with the provisions of the said Order and until a subsequent notice cancelling such notice has been served upon you under the said Order; and also requiring you to take steps to ensure that all milk affected by this notice shall forthwith be boiled or otherwise sterilised, and that any utensil in which such milk is placed before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before any other milk is placed therein; and also prohibiting the movement of bovine animals on to or off the premises except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

This notice remains in force until the animal to which it relates has died or has been slaughtered pursuant to the above-mentioned Act, or until it is cancelled by a subsequent notice served by a veterinary inspector on the owner or person in charge of the animal.

Dated

19 .

(Signed)

.....
 Veterinary Inspector/Inspector.

Description of premises on which the animal is to be detained and isolated.

Note. The veterinary inspector/inspector is with all practicable speed to send a copy of this notice to the divisional veterinary inspector of the Ministry of Agriculture, Fisheries and Food and to the local authority.

Article 9

DISEASES OF ANIMALS ACT 1950

TUBERCULOSIS (SCOTLAND) ORDER 1964

FORM B

Notice requiring detention and isolation of bovine animals found to be affected with tuberculosis or to be reactors, and contacts of such animals, pending slaughter

To A.B.

of

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Secretary of State is satisfied that the following bovine animal, namely (*insert description of animal*) which is now kept at (*insert description of premises where it is now kept*)—

(A) is an affected animal within the meaning of the above-mentioned Order in that it—

- (a) is affected with tuberculosis of the udder;
- (b) is giving tuberculous milk;
- (c) is affected with tuberculous emaciation;
- (d) is excreting or discharging tuberculous material;
- (e) is affected with a chronic cough and shows clinical signs of tuberculosis;

OR

(B) has reacted to a tuberculin test,

and that it is proposed, subject to the provisions of the above-mentioned Act, with all convenient speed, to cause the said animal to be slaughtered [and also the following bovine animal (*insert description of animal*) which has been exposed to the infection of tuberculosis by contact with the first-mentioned animal].

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in (*specify part of the premises*) being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other bovine animals.

Dated

19

(Signed)

Veterinary Inspector.

This Notice should be adapted throughout according to the circumstances in which it is served.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under the Diseases of Animals Act 1950, revokes and re-enacts (with amendments) for Scotland—

- (a) the Tuberculosis Order of 1938 (S.R. & O. 1938/165 ; 1946/122), other than Articles 6 and 7 thereof which since they relate to compensation are revoked by a separate order, namely the Tuberculosis (Compensation) (Scotland) Order 1964 (S.I. 1964/1152) ; and
- (b) the Tuberculosis (Slaughter of Reactors) Order 1950 (S.I. 1950/2007), as amended by S.I. 1959/1461.

The Order also revokes the Tuberculosis (Area Eradication) Order 1950 (S.I. 1950/2006), as amended by S.I. 1954/762, 1955/1449 and 1960/87, much of which, in consequence of the Tuberculosis (Scotland Attested Area) Order 1959 (S.I. 1959/1590) declaring the whole of Scotland to be an attested area, is obsolete.

By virtue of section 17 of the Diseases of Animals Act 1950 (and the extension of the definition of disease re-enacted in this Order) the Secretary of State may, if he thinks fit, cause to be slaughtered any animal which is affected or suspected of being affected with tuberculosis or has been exposed to the infection of such disease.

This Order prescribes the precautionary measures to be adopted, and the form of notice (Form A) to be served, where a bovine animal is suspected of being an affected animal (within the meaning of the Order). These measures include the detention and isolation of the animal and, in the case of a cow, the sterilisation of its milk. Where the Secretary of State is satisfied that an animal is affected with tuberculosis, or, following the carrying out pursuant to the Order of a tuberculin test, is a reactor, and he proposes to cause the animal to be slaughtered, the Order provides for the service of another notice (Form B) requiring the detention and isolation of the animal pending slaughter ; and, generally, the Order assimilates the procedure henceforth to be followed in either such case.

The Order also contains in re-enacted form (but with minor alterations) ancillary provisions for the purpose of preventing the introduction and spread of tuberculosis and of eradicating that disease.

1964 No. 1110

NATIONAL INSURANCE

**The National Insurance (Claims and Payments) Amendment
Regulations 1964**

<i>Made</i> - - - - -	20th July 1964
<i>Laid before Parliament</i>	27th July 1964
<i>Coming into Operation</i>	7th September 1964

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 28(2) of the National Insurance Act 1946(a), and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment Regulations 1964, shall be read as one with the National Insurance (Claims and Payments) Regulations 1948(b), as amended(c), (hereinafter referred to as "the principal regulations") and shall come into operation on 7th September 1964.

Amendment of Schedule 2 to the principal regulations

2.—(1) For paragraph 2 of Part I of Schedule 2 to the principal regulations (prescribed times for claiming sickness benefit and disqualifications arising by reason of late claims) there shall be substituted the paragraph set out in Part I of the Schedule to these regulations.

(2) Paragraph 4 of Part II of Schedule 2 to the principal regulations (notice of incapacity) is hereby revoked.

(3) For paragraph 5(1) of Part II of Schedule 2 to the principal regulations there shall be substituted the sub-paragraph set out in Part II of the Schedule to these regulations.

Richard Wood,

Minister of Pensions and National Insurance.

20th July 1964.

(a) 9 & 10 Geo. 6. c. 67.

(b) S.I. 1948/1041 (Rev. XVI, p. 313; 1948 I, p. 2709).

(c) The relevant amending instrument is S.I. 1952/1207 (1952 II, p. 2122).

SCHEDULE

PART I

Regulation 2(1)

PARAGRAPH SUBSTITUTED FOR PARAGRAPH 2 OF PART I OF SCHEDULE 2
TO THE PRINCIPAL REGULATIONS

2. Sickness benefit (not being an increase of benefit in respect of a child or adult dependant)—

- | | | |
|--|---|--|
| <p>(a) where the claim is an original claim, that is to say, where before making the claim the claimant has at no time made a claim for sickness benefit under the Act (or a claim for any other benefit, whether under the Act or the Industrial Injuries Act, which has been treated as a claim for sickness benefit);</p> | <p>(a) The period of twenty-one days from the earliest day in respect of which the claim is made.</p> | <p>(a) Benefit in respect of any day more than twenty-one days before the date on which the claim is made.</p> |
| <p>(b) where the claim is not an original claim but is the first claim made by the claimant after he has become or again become incapable of work;</p> | <p>(b) The period of six days from the earliest day in respect of which the claim is made.</p> | <p>(b) Benefit in respect of any day more than six days before the date on which the claim is made.</p> |
| <p>(c) where the claim is a continuation claim, that is to say, a claim to which neither sub-paragraph (a) nor sub-paragraph (b) of this paragraph applies.</p> | <p>(c) The period of ten days from the earliest day in respect of which the claim is made.</p> | <p>(c) Benefit in respect of any day more than ten days before the date on which the claim is made.</p> |

PART II

Regulation 2(3)

PARAGRAPH SUBSTITUTED FOR PARAGRAPH 5(1) OF PART II OF SCHEDULE 2
TO THE PRINCIPAL REGULATIONS*Hospital in-patients*

5.—(1) In determining whether the provisions of sub-paragraph (1) or sub-paragraph (2)(b) of paragraph 1 of this Part have been satisfied by a person who is, or has been, an in-patient in a hospital, and who makes a claim for sickness benefit, any such provision shall, in relation only to that claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose of any such provision:—

- (a) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending thirteen weeks thereafter or three weeks after the date of his discharge, whichever period is the shorter; or
- (b) where the person concerned has not been so discharged, the period of thirteen weeks from the date of his admission to the hospital as an in-patient.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations further amend Schedule 2 to the National Insurance (Claims and Payments) Regulations 1948. They revoke the provisions dealing with the giving of notice of incapacity for work and extend the time for claiming sickness benefit, in the case of persons who have at some time claimed before but are making their first claim in respect of a fresh period of incapacity, from three to six days. In other cases, the times for claiming remain twenty-one days and ten days.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated 16th July 1964, is contained in the House of Commons Paper No. 281 (Session 1963-64) published by Her Majesty's Stationery Office.

1964 No. 1111

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations 1964

Made - - - -	20th July 1964
Laid before Parliament	27th July 1964
Coming into Operation	7th September 1964

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 25 of the National Insurance (Industrial Injuries) Act 1946(a), and of all other powers enabling him in that behalf, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Claims and Payments) Amendment Regulations 1964, shall be read as one with the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on 7th September 1964.

Amendment of regulation 4 of the principal regulations

2.—(1) Paragraphs (1) and (2) of regulation 4 of the principal regulations (obligations of claimants and beneficiaries) shall be amended in accordance with the next following paragraphs and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In the said paragraph (1), for the word "direction" there shall be substituted the word "notice".

(3) In the said paragraph (2)—

(a) for the words "such a direction" there shall be substituted the words "shall specify the time and place of examination and";

(b) for the word "direction", wherever it occurs, there shall be substituted the word "notice";

(c) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

"(b) in any other case, on a date earlier than the third day after the day on which the notice was sent."

Richard Wood,
Minister of Pensions and
National Insurance.

20th July 1964.

Regulation 2

SCHEDULE

PARAGRAPHS (1) AND (2) OF REGULATION 4 OF THE PRINCIPAL REGULATIONS
AS AMENDED BY THESE REGULATIONS*OBLIGATIONS OF CLAIMANTS FOR, AND BENEFICIARIES IN RECEIPT OF, INJURY
BENEFIT OR DISABLEMENT BENEFIT

4.—(1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary in receipt of, injury benefit or disablement benefit shall comply with every *notice* given to him by the Minister which requires him either—

- (a) to submit himself to a medical examination by a medical authority (as defined in paragraph 4 of this regulation) for the purpose of determining the effect of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or
- (b) to submit himself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his case by the medical practitioner in charge of the case or by any medical authority to whose examination he has submitted himself in accordance with the foregoing provisions of this regulation; or
- (c) to attend any vocational training course or industrial rehabilitation course provided under the Disabled Persons (Employment) Act 1944, which, in the opinion of the Minister of Labour, is appropriate in his case.

(2) Every *notice* given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the *time and place of examination* and shall not require the claimant or beneficiary to submit himself to examination—

- (a) by a medical board, before the expiration of the period of 6 days beginning with the date of the *notice* or such shorter period as may be reasonable in the circumstances;
- (b) *in any other case, on a date earlier than the third day after the day on which the notice was sent.*

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the provisions of the National Insurance (Industrial Injuries) (Claims and Payments) Regulations 1964 relating to notice to be given to persons required to attend for medical examination.

* The words substituted by these regulations are shown in italics.

 STATUTORY INSTRUMENTS

1964 No. 1112

NATIONAL INSURANCE

**The National Insurance (Unemployment and Sickness Benefit)
Amendment Regulations 1964**

Made 20th July 1964
 Laid before Parliament 27th July 1964
 Coming into Operation 7th September 1964

The National Insurance Joint Authority(a), in exercise of powers conferred by section 13(3) of the National Insurance Act 1946(b), and of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Unemployment and Sickness Benefit) Amendment Regulations 1964, shall be read as one with the National Insurance (Unemployment and Sickness Benefit) Regulations 1948(c), as amended(d), (hereinafter referred to as “the principal regulations”) and shall come into operation on 7th September 1964.

Amendment of regulation 10 of the principal regulations

2.—(1) Regulation 10 of the principal regulations (disqualifications for sickness benefit) shall be amended in accordance with the following paragraphs of this regulation.

(2) For paragraph (b) of the said regulation 10 there shall be substituted the following paragraph:—

“(b) he fails without good cause to comply with a notice in writing given by the Minister requiring him to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or”.

(3) The said regulation 10 as amended by paragraph (2) above shall become paragraph (1) of that regulation and shall be numbered accordingly, and immediately after it there shall be added the following paragraph:—

“(2) In computing the period of notice required to be given by paragraph 1(b) of this regulation Sunday shall not be disregarded.”

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.)

D. J. Carter,
Secretary,

National Insurance Joint Authority.

20th July 1964.

(a) See National Insurance Act 1946, s.63(2) and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations 1948 (S.I. 1948/211 (Rev. XVI, p. 367; 1948 I, p. 2905)).

(b) 9 & 10 Geo. 6. c. 67.

(c) S.I. 1948/1277 (Rev. XVI, p. 212; 1948 I, p. 2676).

(d) There are no relevant amendments.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the provisions of Regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1948 in so far as they relate to the notice to be given to persons required to attend for medical or other examination.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated the 16th June 1964, is contained in the House of Commons Paper No. 282 (Session 1963-64) published by Her Majesty's Stationery Office.

1964 No. 1114

RESALE PRICES

The Resale Prices (Register) (Fees) Regulations 1964

<i>Made - - - -</i>	17th July 1964
<i>Laid before Parliament</i>	23rd July 1964
<i>Coming into Operation</i>	16th August 1964

The Registrar of Restrictive Trading Agreements (in these regulations referred to as "the Registrar") in exercise of the powers conferred upon him by section 8 of the Resale Prices Act 1964^(a) (in these regulations referred to as "the Act") hereby orders, with the approval of the Treasury, that the following regulations shall have effect:—

1. The provisions of section 11 of the Restrictive Trade Practices Act 1956^(b) with respect to the payment of fees for inspection of the register and for certified copies of or extracts from particulars entered in the register shall apply in relation to the register kept for the purposes of the Act subject to the following modifications:—

- (1) The fee to be paid to the Registrar in respect of the inspection of the register or any part thereof by any person on any day shall be one shilling.
- (2) The fee to be paid to the Registrar in respect of the supply of each copy of or extract from any particulars entered in the register, certified by the Registrar to be a true copy or extract shall be—
 - (a) where the sheet or sheets copied or from which the extract is made do not exceed foolscap size—two shillings in respect of each such sheet;
 - (b) where the sheet or sheets copied or from which the extract is made exceed foolscap size—four shillings in respect of each such sheet.

2.—(1) These regulations may be cited as the Resale Prices (Register) (Fees) Regulations 1964 and shall come into operation on 16th August 1964.

(2) The Interpretation Act 1889^(c) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

R. L. Sich,
Registrar
of Restrictive Trading Agreements.

17th July 1964.
We approve

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners
of Her Majesty's Treasury.

17th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations contain provisions for the payment of fees for inspection of the register to be kept under the Resale Prices Act 1964 and for certified copies of particulars entered in that register. These provisions correspond to the provisions relating to the register kept under the Restrictive Trade Practices Act 1956.

1964 No. 1115

RESALE PRICES**The Resale Prices (Registration of Goods) Regulations 1964**

<i>Made -</i>	<i>17th July 1964</i>
<i>Laid before Parliament</i>	<i>23rd July 1964</i>
<i>Coming into Operation</i>	<i>16th August 1964</i>

The Registrar of Restrictive Trading Agreements (in these regulations referred to as "the Registrar") in exercise of the powers conferred upon him by section 8 of the Resale Prices Act 1964^(a) (in these regulations referred to as "the Act") hereby orders that the following regulations shall have effect:—

Notices claiming registration

1.—(1) Any notice claiming registration in respect of goods shall be given to the Registrar on a form provided by him, which shall be signed by or on behalf of a supplier of such goods or a trade association whose members consist of or include such suppliers.

(2) Every such notice shall—

(a) so specify the descriptions of the goods to which it relates as clearly to identify the goods which are supplied under arrangements for maintaining minimum prices on resale by that supplier or, in the case of a notice given by a trade association, by a named member thereof who is a supplier; and

(b) specify particulars of the arrangements for maintaining minimum prices on resale in respect of each description of goods specified therein, being the arrangements maintained by that supplier or, in the case of a notice given by a trade association, by that named member.

(3) Every such notice shall be accompanied by a copy, identified by the signature of the person who signs the notice, of—

(a) a catalogue, price list or other document showing that each description of goods specified in the notice is supplied by the supplier or, in the case of a notice given by a trade association, by the named member thereof; and

(b) the conditions of sale or other document by which the arrangements for maintaining minimum prices on resale for each description of goods specified in the notice are effected.

(4) A notice claiming registration may be given to the Registrar by delivering, or by despatching by recorded delivery service, the documents specified in the preceding provisions of this regulation addressed to—

The Registrar of Restrictive Trading Agreements (Branch A),
 Chancery House,
 Chancery Lane,
 London, W.C.2.

Application to the register of provisions of section 11 of the Restrictive Trade Practices Act 1956

2. The provisions set out in the Schedule hereto (being provisions of section 11 of the Restrictive Trade Practices Act 1956(a), with certain modifications) shall apply in relation to the register kept for the purposes of the Act.

Citation, commencement and interpretation

3.—(1) These regulations may be cited as the Resale Prices (Registration of Goods) Regulations 1964 and shall come into operation on 16th August 1964.

(2) The Interpretation Act 1889(b) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

R. L. Sich,
Registrar
of Restrictive Trading Agreements.

17th July 1964.

(Regulation 2)

SCHEDULE

PROVISIONS APPLYING TO THE REGISTER

1. The register for the purposes of the Act shall be kept by the Registrar at such premises within the United Kingdom and in such form as the Registrar may determine.

2. Any person may inspect the register (upon payment of the prescribed fee) from 10 a.m. until 4.30 p.m. on any day except Saturdays and Sundays and such public holidays and the like as may from time to time be notified by notice posted in a conspicuous place in the office of the Registrar.

3. Any person may (upon payment of the prescribed fee) require the Registrar to supply to him a copy of or extract from any particulars entered in the register certified by the Registrar to be a true copy or extract.

4. No process for compelling the production of the register or of any document kept by the Registrar shall issue from any Court except with the leave of the Court, and any such process if issued shall bear a statement that it is issued with the leave of the Court.

5. A copy of or extract from any document entered in the register, certified under the hand of the Registrar or any Assistant Registrar or other officer authorised to act on behalf of the Registrar (whose official position it shall not be necessary to prove) shall in all legal proceedings be admissible in evidence as of equal validity with the original.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Regulation 1 specifies the procedure to be followed in making a claim for registration of goods under the Resale Prices Act 1964. The claim is to be made upon a form provided by the Registrar of Restrictive Trading Agreements, by a supplier of goods whose business is not wholly retail, or by a trade association whose members include such suppliers.

Particulars of the descriptions of goods which are supplied under arrangements for maintaining minimum resale prices and particulars of those arrangements are to be specified in the form and supported by catalogues, price lists, conditions of sale or other documents.

The Schedule to the Regulations applies the provisions of the Restrictive Trade Practices Act 1956 relating to the register, with modifications. The provisions of the 1956 Act for the maintenance of a special section of the register not open to public inspection are omitted.

1964 No. 1116

CIVIL AVIATION

The Civil Aviation (Licensing) Regulations 1964

<i>Made</i> - - - - -	17th July 1964
<i>Laid before Parliament</i>	24th July 1964
<i>Coming into Operation</i>	4th January 1965

The Minister of Aviation, in exercise of his powers under section 1(3), section 2(1), (5) and (8) and section 5 of the Civil Aviation (Licensing) Act 1960(a), and of that Act as extended to the Isle of Man by the Civil Aviation (Licensing) Act 1960 (Isle of Man) Order 1961(b), and to the Channel Islands by the Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961(c), and of all other powers enabling him in that behalf, hereby makes the following Regulations, after consultation with the Council on Tribunals in respect of Regulations 4 to 11, 13, 14 and 21 thereof in accordance with section 8 of the Tribunals and Inquiries Act 1958(d), as applied to the Air Transport Licensing Board by the Tribunals and Inquiries (Air Transport Licensing Board) Order 1960(e), and with the approval of the Treasury of Regulation 17 thereof:—

Citation and Operation

1. These Regulations shall come into operation on 4th January 1965, and may be cited as the Civil Aviation (Licensing) Regulations 1964.

Interpretation and Supplementary

2.—(1) The Interpretation Act 1889(f) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Civil Aviation (Licensing) Act 1960;

“Charter service” means an air transport service (not being an exempted service) which is provided under a contract of hire giving—

(a) a single hirer the exclusive right to use the carrying capacity of the aircraft, or

(b) several hirers the right to use together the total carrying capacity of the aircraft for the carriage only of ships' crews (including masters), their baggage and parts or equipment for ships;

“Class A licence” means a licence for an air transport service (not being a charter service) between places named in the licence involving more than four flights in any one direction between the same two places;

“Class B licence” means a licence for a charter service between places named in the licence (not being a group charter service) involving more than four flights in any one direction between the same two places;

(a) 8 & 9 Eliz. 2. c. 38.

(c) S.I. 1961/574 (1961 I, p. 1260).

(e) S.I. 1960/1335 (1960 III, p. 3307).

(b) S.I. 1961/575 (1961 I, p. 1262).

(d) 6 & 7 Eliz. 2. c. 66.

(f) 52 & 53 Vict. c. 63.

“Class C licence” means a licence for an air transport service between places named in the licence involving not more than four flights in any one direction between the same two places ;

“Class D licence” means a licence for a group charter service between places named in the licence, involving more than four flights in any one direction between the same two places ;

“Class E licence” means a licence for an air transport service which is not restricted to flights between places named in the licence ;

“Class F licence” means a licence for a flight for any purpose, other than the provision of an air transport service, for which a licence is required by the Act ;

“Exempted service” means a service provided solely by means of flights exempted by Regulation 3 of these Regulations from the requirement of a licence ;

“Group charter service” means a charter service (not being an exempted service) in relation to which all the conditions of either of the categories specified in Schedule 1 hereto are complied with ;

“Hearing” means a hearing at which oral evidence or argument may be heard, and “to hear” shall be construed accordingly ;

“Licence” means an air service licence under section 2 of the Act ;

“North East England” means the County of Northumberland, County Durham and the North Riding of Yorkshire ;

“Official record”, in relation to the Board, means a publication entitled “Civil Aviation Licensing Notices” and published by or on behalf of the Board ;

“Operator”, in relation to an aircraft, means the person for the time being having the management of that aircraft ;

“Party”, in relation to a case before the Board, has the meaning assigned to it by Regulation 10(4) of these Regulations ;

“Party”, in relation to an appeal to the Minister, has the meaning assigned to it by Regulation 14(8) of these Regulations ;

“Proposal” means a proposal of the Board under Regulation 6 of these Regulations.

(3) For the purposes of these Regulations, and of section 26 of the Interpretation Act 1889^(a), in its application to these Regulations, a document may be served on any person by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(4) In computing any period of time specified in these Regulations by reference to days or months, the period shall be reckoned exclusively of the first day and inclusively of the last day.

(5) In computing any period of time specified in these Regulations by reference to hours the whole of any Saturday, Sunday, Christmas Day, Good Friday, or bank holiday shall be disregarded, and for that purpose any day which is a bank holiday under the Bank Holidays Act 1871^(b), in any part of the United Kingdom shall be treated as a bank holiday.

Exemption from the requirement of an air service licence

3.—(1) Section 1(2)(b) of the Act (which prohibits the use of aircraft on any flight for reward or in connection with any trade or business except

(a) 52 & 53 Vict. c. 63.

(b) 34 & 35 Vict. c. 17.

under and in accordance with the terms of a licence) shall not apply to any flight—

- (a) solely for the purpose of carrying passengers in a case where the flight is to begin and end at the same place ;
- (b) solely for one or more of the following purposes, that is to say—
 - (i) the provision of ambulance or rescue facilities, including medical, ambulance and other attendants ;
 - (ii) the carriage of emergency food or emergency medical supplies ;
 - (iii) the carriage of any one or more of the following, that is to say, the operator of the aircraft, any bona fide servant of his (including in the case of a body corporate, the directors and in the case of 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, the members of that body corporate), and any baggage or other property of the operator or any such servant ;
 - (iv) the training or testing of persons in the performance of duties in connection with aircraft ;
 - (v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft, or the testing or demonstrating of any manner of flying or of any arrangements in connection with flying or with the carriage of passengers or cargo by air ;
 - (vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry, or public health, or as a measure against oil-pollution ;
 - (vii) the taking of photographs or carrying out of a survey from the air ;
- (c) solely for the carriage of cargo, or passengers with or without their baggage, or both cargo and passengers, in consequence of a person's exclusive right to use the carrying capacity of the aircraft on that flight, being—
 - (i) cargo all of which is consigned by that person and none of which is carried in pursuance of an agreement between that person and any other person made otherwise than as a term of a sale of the cargo in question ;
 - (ii) passengers none of whom is carried at a separate fare ;
- (d) solely for carrying out the operator's obligations under a charter of the aircraft to any Government Department ;
- (e) any flight to or from a place at which the aircraft neither takes up nor sets down passengers or cargo, being a flight made in the course of providing an air transport service authorised by a licence ;
- (f) any positioning flight on which no passengers or cargo are carried, that is to say a flight solely to enable the aircraft to arrive at a place at which—
 - (i) the aircraft is to be used for a flight ; or
 - (ii) the aircraft is to be parked or stored ; or
 - (iii) the aircraft or any part of the aircraft or its equipment is to be modified, inspected, tested, overhauled or repaired, or any part of the aircraft or its equipment is to be replaced ;

- (g) beginning in accordance with the terms of a licence, but ending otherwise than in accordance with such terms by reason of—
- (i) an emergency occurring after the beginning of the flight ; or
 - (ii) compliance with the law of the United Kingdom or any country or territory in which the aircraft then is ; or
 - (iii) any other circumstance beyond the control of the operator and commander of the aircraft ;
- (h) ending in accordance with the terms of a licence, but beginning otherwise than in accordance with such terms, being a flight which the aircraft next makes after such a flight as is mentioned in sub-paragraph (g) hereof ;
- (i) solely for the purpose of towing a glider ;
- (j) by a helicopter solely for the purpose of carrying a load externally suspended therefrom ;
- (2) For the purposes of paragraph (1)(c)(ii) of this Regulation—
- (a) any consideration wholly or partly in respect of or in connection with the carriage of a passenger shall be deemed to be a fare, irrespective of the person by or to whom it has been or is to be given :
- Provided that consideration for the exclusive right to use the passenger capacity of an aircraft shall be deemed not to be a fare ; and
- (b) a fare shall be deemed to be separate although it is for several journeys, or for a journey by a group of passengers which is less than the entire passenger capacity of the aircraft.

Applications for the grant of a licence

4.—(1) Subject to the provisions of paragraph (2) of this Regulation, and without prejudice to the provisions of Regulation 9, every application for the grant of a licence shall include the following particulars :—

- (a) the name, address and business name (if any) of the applicant, and, in the case of an individual, the country of which he is a citizen ;
- (b) in the case of a body corporate, the country or territory in which it is incorporated, the date of incorporation and arrangements under which, and the citizenship of the persons by whom, it is substantially controlled ;
- (c) in the case of a partnership carrying on business in Scotland, the countries of which the partners are citizens ;
- (d) the number and the types of the aircraft previously operated by the applicant and the periods of time and geographical areas of his operations ;
- (e) the applicant's financial resources ;
- (f) the number and types of the aircraft and the equipment which the applicant intends to employ and his existing and proposed organisation and staffing arrangements ;
- (g) the provision made or proposed to be made by the applicant against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by him ;
- (h) the terms and conditions of employment of the applicant's servants, and, if particulars thereof have been furnished to the National Joint Council for Civil Air Transport, an indication to that effect ;
- (i) the class of licence applied for and the period for which it is to be in effect ;

- (j) except in the case of an application for the grant of a Class F licence—
- (i) a concise indication of the existing or potential need or demand for the proposed service ; and
 - (ii) if the applicant already holds an air service licence, particulars of any capital expenditure, financial commitment or commercial agreement, being particulars which the applicant wishes the Board to take into consideration under section 2(2)(g) of the Act ; and
- (k) (i) in the case of a Class A, Class B, Class C or Class D licence, the places of departure and destination of all flights to be made under the licence ;
- (ii) in the case of a licence for a group charter service, particulars showing compliance or intended compliance with each of the conditions of either of the categories specified in Schedule 1 hereto ;
 - (iii) in the case of a Class E licence, the geographical area to which flights under the licence are to be limited ;
 - (iv) in the case of a Class F licence, a general description of the purpose of the flights ;
 - (v) any other limitations to which the licence is to be subject, including limitations as to the capacity, frequency or class of service or the classes or descriptions of passengers or cargo to be carried ;
 - (vi) the tariff, if any, proposed or the manner in which it is to be determined, the class of service and the facilities to be provided ;
 - (vii) the types of aircraft to be used ;
 - (viii) in the case of a Class B licence, a Class C licence for a charter service, or a Class D licence, the name and address of the charterer of the aircraft, and the name and address of the travel agent, organiser or other person, if any, who is to make available facilities for travel or the consignment of goods on the proposed service.

(2) If an applicant for the grant of a licence has previously furnished to the Board, in connection with another application by him, the particulars referred to in paragraph (1)(a) to (h) of this Regulation, he shall not be obliged to repeat those particulars in the later application, but if he does not repeat those particulars he shall indicate whether or not those particulars apply unchanged to that application and in what respect, if any, they have changed or do not apply.

(3) Every application for the grant of a licence shall be made on a form supplied by the Board and shall be signed by or on behalf of the applicant. It shall be accompanied by the fee payable under these Regulations in respect of the application and by five copies of the application, which copies need not be signed :

Provided that the Board may, if they think fit, accept less than five copies of the application in any particular case.

(4) Subject to the provisions of paragraph (7) of this Regulation, every application for the grant of a Class A, Class B, Class E or Class F licence shall be served on the Board not less than six months before the beginning of the period for which the licence is proposed to be in effect.

(5) Subject as aforesaid, every application for the grant of a Class C licence other than for a charter service, or a Class D licence, shall be served on the Board not less than three months before the beginning of such period.

(6) Subject as aforesaid, every application for the grant of a Class C licence for a charter service shall be served on the Board not less than 14 days before the beginning of such period.

(7) The Board may, if they think fit, consider an application for a licence notwithstanding that it has been received at their office otherwise than at the time provided in paragraph (4), (5) or (6) of this Regulation.

(8) The Board shall, as soon as may be after the receipt by them of an application for the grant of a licence accompanied by the prescribed fee, publish in their official record such particulars of the application as they think necessary for indicating the substance of the application, and shall make a copy of the application available at their office for inspection by any person at any reasonable time:

Provided that—

(a) in the case of any licence other than a Class A or a Class E licence the Board may dispense with publication as aforesaid if they are satisfied that for reasons of urgency it is desirable so to do; and

(b) in the case of any application for a Class C licence for a charter service the Board shall not publish particulars of the application unless within seven days after receipt of the application they have served the applicant with notice of their intention so to do.

(9) If in the opinion of the Board an application for a licence relates to more than one service, the Board may direct that the application shall, for the purposes of these Regulations, be treated as being such number of separate applications as they may specify in the direction, and the application shall be treated accordingly.

Applications for the revocation, suspension or variation of licences

5.—(1) Every application for the suspension of a licence shall state the period of the proposed suspension, and every application for the variation of a licence shall specify the variation proposed.

(2) Every application for the revocation, suspension or variation of a licence shall state the reasons advanced in support of the application.

(3) Every such application shall be made on a form supplied by the Board, and shall be signed by or on behalf of the applicant.

(4) Every such application shall be accompanied by the fee, if any, payable under these Regulations in respect of the application, and by five copies of the application, which copies need not be signed: Provided that the Board may accept less than five copies of the application in any particular case. A signed copy of the application shall be served by the applicant on the holder of the licence within 24 hours after it has been served on the Board unless the applicant is himself the holder of the licence.

(5) Regulation 4(4) to (8) of these Regulations shall apply in relation to an application for the revocation, suspension or variation of a licence as they apply in relation to an application for the grant of that licence:

Provided that in respect of an application—

(a) by the holder of a licence for its revocation or suspension; or

(b) by any person for a variation which, in the opinion of the Board, is unlikely to prejudice the interests of any persons of the categories specified in Regulation 10(2) of these Regulations,

the Board may dispense with publication of particulars of the application.

Revocation, suspension or variation of licences without application being made

6.—(1) Subject to paragraph (2) of this Regulation if the Board propose to revoke, suspend or vary a licence, otherwise than in pursuance of an application made to them in that regard, they shall—

- (a) serve on the holder of the licence not less than 21 days' notice of their intention to publish particulars of the proposal in their official record, together with their reasons for their proposal ;
- (b) consider any representations which may be made to them by the holder of the licence before the expiration of the said notice ; and
- (c) as soon as may be after the expiration of the said notice or at such earlier time as the Board and the holder of the licence may agree, publish particulars of the proposal in their official record, unless they have abandoned the proposal :

Provided that the Board may—

- (i) with the consent of the holder of the licence, dispense with publication of their proposal to revoke or suspend the licence,
- (ii) dispense with publication of their proposal to vary the licence, if in their opinion the variation is unlikely to prejudice the interests of any persons of the categories specified in Regulation 10(2) of these Regulations.

(2) The Board may suspend a licence notwithstanding that they have not complied with the requirements of paragraph (1) of this Regulation if—

- (a) they cease to be satisfied as mentioned in Section 2(2)(a) of the Act or as to the matters referred to in paragraph (b) of that subsection, and
- (b) they have served on the holder of the licence not less than 144 hours' notice of their proposal to suspend the licence, together with their reasons for the proposal, and have considered any representations which may be made to them by the holder of the licence before the expiration of such notice.

Objections and Representations

7.—(1) Every objection and representation relating to an application to the Board, or to a proposal of the Board to revoke, suspend or vary any licence, shall be made in writing signed by or on behalf of the person making it and shall, together with five copies which need not be signed, be served on the Board :

Provided that the Board may, if they think fit, accept less than five copies in any particular case.

(2) In the case of an application or proposal particulars of which have been published in the Board's official record, the objection or representation shall be served on the Board within the period of twenty-one days from the day of publication as aforesaid. The Board may, if they think fit, consider an objection or representation notwithstanding that it has been received by them otherwise than as aforesaid.

(3) The objection or representation shall clearly identify the application or proposal to which it relates and shall state concisely the grounds on which it is based, and whether the person making it wishes to be heard at a meeting of the Board.

(4) The person making the objection or representation shall within 24 hours after it has been served on the Board serve a copy of it on—

(a) the applicant, if any ;

(b) any other person who is the holder of the licence to which it relates ;
and

(c) any body which the Board are obliged by Regulation 8(1) of these Regulations to consult in respect of the application or proposal.

(5) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application within 72 hours after being required so to do.

Consultation by the Board

8.—(1) The Board shall not grant, revoke, suspend or vary, or refuse any application for the grant, revocation, suspension or variation of, any Class A or Class B licence for an air transport service to, from or within Scotland, Wales, Northern Ireland, North East England, any of the Channel Islands, or the Isle of Man except after consulting with the regional advisory committee for Scotland, Wales, Northern Ireland or North East England, (provided for in Regulation 20 of these Regulations), the Channel Islands Air Advisory Council, or the Isle of Man Airports Board, whichever shall be appropriate in the circumstances:

Provided that consultation as aforesaid shall not be required in the case where the Board suspend a licence under Regulation 6(2) of these Regulations or in the case of an application particulars of which have not been published by the Board in their official record.

(2) If the Board have published particulars of an application for a licence in their official record, being an application for a licence in respect of an aircraft registered in the United Kingdom, they shall not grant that licence except after consulting with the National Joint Council for Civil Air Transport with regard to the terms and conditions of employment of the applicant's servants.

Furnishing of information to the Board by persons making applications, objections or representations

9. The Board may require any person who has made an application, objection or representation to them under these Regulations to provide the Board with all such information or documents in his possession or control relevant to the application, objection or representation as may be specified in the requirement ; and, whenever in their opinion, after consulting the said person, it is necessary and proper to do so, having regard in particular to the question whether the information is of a confidential nature, the Board may furnish particulars of any such information or copies of any such documents to any person who has a right to be heard by the Board in connection with the case to which the information or documents relate.

Hearings and decisions by the Board in connection with licences

10.—(1) Any applicant for the grant of a licence shall have a right to be heard by the Board at a meeting to consider his application unless the Board are obliged by Section 2(3) of the Act to refuse the application.

(2) A person who belongs to one or more of the following categories, that is to say—

- (a) the holder of any air service licence ;
- (b) the holder of an aerodrome licence ;
- (c) a person whose business includes the performance of the carriage of passengers, mails or other cargo for reward by rail or by sea and whose principal place of business is in the United Kingdom, any of the Channel Islands or the Isle of Man ;
- (d) the holder of a road service licence granted under Part III of the Road Traffic Act 1960(a), authorising services of express carriages ;
- (e) the holder of an A or B carriers' licence granted under Part IV of the Road Traffic Act 1960 ;
- (f) a Government Department or Minister of the Crown, including a Department or Minister of the Government of Northern Ireland, but not including the Minister of Aviation

shall have the right to be heard by the Board at a meeting to consider the grant, revocation, suspension or variation of any licence :

Provided that—

- (i) in the case where the person is neither the holder of nor the applicant for the grant, revocation, suspension or variation of the licence to which the meeting of the Board relates, he shall have no right to be heard unless he has made an objection or representation in accordance with Regulation 7 of these Regulations and has indicated therein that he wishes to be heard by the Board at that meeting ;
- (ii) where the Board are obliged by section 2(3) of the Act to refuse an application relating to a service no person shall have a right to be heard in respect of that application.

(3) A hearing shall not be held by the Board at any meeting to consider an application to or proposal of the Board unless they have served on all persons having a right to be heard at that meeting fourteen days' notice in writing of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates. A similar notice shall be published by the Board in their official record seven days before the day of the hearing, and shall be exhibited in a public place for a like period :

Provided that the Board may hold a hearing without having served and published such notice as aforesaid if—

- (i) particulars of the application have not been published in their official record ; and
- (ii) they have given notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral or written) as they think fit, to the applicant and any person of the categories specified in paragraph (2) of this Regulation whose interests are in the opinion of the Board likely to be prejudiced by the granting of the application.

(4) Every person who has a right to be heard by the Board in connection with any case shall, for the purpose of these Regulations, be deemed to be a party to that case.

(5) Notwithstanding that a person does not have a right to be heard the Board may, if they think fit, hear him and, to such extent as they think fit, permit him to exercise the rights of a party at the hearing.

(6) The Board may, if they think fit, and subject to the provisions of this Regulation, hear two or more cases together, but a party to one case shall not on that account be deemed to be a party to any other case.

(7) At a hearing by the Board every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral or written evidence, and examine any other party to that case and any witnesses produced by him.

(8) The decision of the Board shall include a statement of reasons—

(a) if any objections to the application or proposal have been considered by the Board ;

(b) if the Board have held a hearing in connection with the application or proposal ; or

(c) if the Board have refused the application, or have granted the application with a modification determined by the Board :

Provided that the Board shall not be required to disclose any information which they have received from the Minister in the course of consultation with him in accordance with section 2(3) of the Act, or which they have received from any person in pursuance of Regulation 9 of these Regulations and which they regard as confidential.

(9) The Board shall serve a copy of their decision on every party to the case as soon as may be and shall cause particulars of their decision to be published in their official record.

(10) The Board shall furnish a copy of their decision to any person who so demands :

Provided that the Board shall not be obliged to do so if the demand is made more than three years after the day of publication of the decision or more than one year after the expiry of the licence whichever is the later.

(11) If the Board are obliged by section 2(3) of the Act to refuse an application, an indication to that effect shall be sufficient reason for their refusal.

(12) If the application in question contains the name and address of such persons as are referred to in Regulation 4(1)(k)(viii) of these Regulations, the Board shall serve all such persons, being persons resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, with notice of their decision, clearly identifying the application to which it relates.

(13) All the proceedings at a hearing of the Board in connection with a licence or proposal shall be recorded by a shorthand writer, or, if the Board think fit, by some other means, and if any person so demands at any time after publication of the decision relating thereto in the Board's official record, the Board shall cause a transcript of the record to be made available for purchase by that person at a reasonable price:

Provided that—

(a) the Board shall not be required to make any transcript available for purchase at any time after the expiry of one year from the day of publication as aforesaid ; and

- (b) a transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Board at those proceedings.

Further provisions as to procedure

11.—(1) The quorum of the Board shall, unless the Board shall otherwise decide in relation to a particular case or class of cases, be three members.

(2) Every hearing by the Board shall be held in public unless the Board shall otherwise decide in relation to the whole or part of a particular case.

(3) Subject to the provisions of the Act, the failure of the Board or of any person to give any notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Board, but may be a ground of appeal to the Minister; and the Board may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the giving of any notice or the taking of any step or otherwise.

(4) For the exercise of their advisory functions under section 4 of the Act the Board may hear such persons as they think fit, and in that event they shall cause reasonable notice of the intended date, time and place of the hearing to be published in their official record and to be served on such persons, if any, as they consider to be concerned with the subject on which they are to advise.

Conditions of licences

12. In granting or varying a licence the Board may impose conditions of any of the following descriptions:—

- (a) as to any of the matters referred to in Regulation 4(1)(a) to (g) of these Regulations;
- (b) as to the places of departure and destination of any flight under the licence, or the geographical area of such flights, or the purpose thereof;
- (c) as to the periods, seasons or times during or at which an air transport service may be provided under the licence, and the frequency or class of that service;
- (d) as to the places at which or areas in which passengers or cargo may or must be taken up or set down under the licence;
- (e) as to the numbers of passengers and the weight or quantity of cargo that may be carried on any flight under the licence;
- (f) as to the classes or descriptions of passengers or cargo that may be so carried, including in particular the nationality, place of residence and ultimate destination of the passengers, and the nationality or place of business of the consignor or consignee of the cargo;
- (g) as to the incidence of expenses incurred by or in respect of passengers carried under the licence;
- (h) as to the provision, preservation and production of certificates relating to the matters referred to in sub-paragraphs (f) and (g);
- (i) as to the travel agents or other persons who may make available or offer facilities for carriage by air under the licence, the facilities they must provide, and the consideration they may receive from the passengers or from the holder of the licence;

- (j) as to the arrangements to be made in respect of the service between the holder of the licence and—
- (i) any other person holding a licence ;
 - (ii) persons providing transport services otherwise than by air ;
- (k) as to connections between the air transport services to be provided under the licence, and transport services whether or not provided by air ;
- (l) as to the facilities and amenities to be provided by the holder of the licence in connection with the air transport service to which the licence relates ;
- (m) as to the advertising or publicity or booking arrangements relating to the said service ;
- (n) as to the production of the licence to any person reasonably requiring to examine it ;
- (o) as to the validity of the licence if the fees prescribed by Regulation 17 of these Regulations and Schedule 2 thereto are not paid in accordance with the prescribed provisions.

Provisions as to tariffs

13. The following exceptions and modifications are hereby prescribed for the purposes of section 2(5) of the Act :—

- (1) (a) in the case of a Class A or Class B licence the Board may, if they think fit and with the consent of the Minister (which may be given generally or in respect of a particular case or class of cases) dispense wholly or in part with a provision as to the tariff to be charged ;
- (b) in the case of a Class C licence for a charter service, Class D or Class E licence the Board may, if they think fit, dispense wholly or in part with a provision as to the tariff to be charged ;
- (c) in the case of a licence of any class the Board shall dispense with a provision as to the tariff to be charged in respect of the carriage of postal packets on behalf of the Postmaster-General within, from or to the British postal area or any British postal agency, or in respect of the carriage of postal packets otherwise than as aforesaid where charges are payable therefor to the Postmaster-General (whether as principal or agent) ; and for the purpose of this sub-paragraph the expressions “British postal agency”, “British postal area” and “postal packet” shall have the same respective meanings as are assigned to them by section 87(1) of the Post Office Act 1953(a) ;
- (d) in the case of a licence for a service such as is described in section 2(5)(b) of the Act which includes a provision as to the tariff to be charged in terms identical with an approved tariff provision, the licence shall have effect without confirmation of the tariff provision by the Minister. For the purpose of this paragraph “approved tariff provision” means any of the following :—
 - (i) any provision, approved by the Minister and published in the Board’s official record, specifying the manner in which the tariff is to be determined ;
 - (ii) Provision I, Provision III or Provision IV of paragraph 4 of the Second Schedule to the Civil Aviation (Transitional Licences) Order 1961(b) ;

- (e) in the case of a Class A licence for a service such as is described in section 2(5)(a) of the Act, the licence may include, in lieu of a provision setting out the tariff to be charged, a provision specifying that the tariff shall be the relevant tariff set out in a document which may be published by the Board (in these Regulations referred to as "the Board's schedule of domestic tariffs"), as varied from time to time by the Board in accordance with paragraph (2) of this Regulation ;
- (2) (a) an application for the variation of the Board's schedule of domestic tariffs may be made by any of the persons of the categories specified in Regulation 10(2) of these Regulations, and the provisions of these Regulations which apply in relation to an application to the Board or a proposal of the Board to vary a Class A licence for an Area I Service in respect of the tariff to be charged shall, subject to the following modifications, apply in relation to an application to the Board, or a proposal of the Board, as the case may be, to vary the Board's schedule of domestic tariffs—
- (i) any requirement to serve a document on the holder of the licence shall be construed as a requirement to serve the document on all holders of a Class A licence authorising services between places in the United Kingdom, any of the Channel Islands or the Isle of Man ;
- (ii) any variation of the Board's schedule of domestic tariffs which affects a licence for a service such as is described in Regulation 8(1) of these Regulations shall be treated for the purposes of that paragraph as if it were a variation of such a licence ;
- (b) the Board's schedule of domestic tariffs, as varied from time to time, together with an up-to-date list of the names and addresses of the holders of Class A licences for an Area I Service, shall be kept available for inspection by any person at the Board's offices at all reasonable times, and the Board shall furnish copies thereof to any person who so demands.

Appeals to the Minister

14.—(1) Every party to a case before the Board shall have a right of appeal to the Minister in accordance with the provisions of this Regulation from the Board's decision with respect to that case.

(2) An appeal to the Minister against a decision of the Board shall be made by written notice clearly identifying the case to which it relates and stating concisely the grounds on which the appeal is based.

(3) The notice shall be signed by or on behalf of the appellant and shall be served on the Minister within the period of twenty-one days from the day of the publication of the decision of the Board in their official record.

(4) A copy of the notice of appeal shall be served by the appellant on the Board, each of the parties to the case before the Board and each person who was heard by the Board in connection with that case ; and for this purpose any person having the right to appeal against a decision of the Board may require them to furnish him with the names and addresses of the other parties to the case before the Board and of the persons heard by the Board in connection with that case.

(5) The Minister shall serve on the appellant, each of the parties to the case before the Board and each of the persons heard by the Board in connection with that case not less than twenty-one days notice of the date, time and place of the hearing of the appeal, and shall cause not less than seven days notice thereof to be published in the official record of the Board.

(6) The Minister shall appoint a Commissioner to hear each appeal, and the Commissioner shall hold the hearing in public unless he shall otherwise decide in relation to the whole or part of the case.

(7) The appellant and any person who was a party to the case before the Board, or who was heard by the Board in connection with that case, shall have a right to be heard by the Commissioner:

Provided that a party to a case who did not exercise his right to be heard by the Board shall not have a right to be heard by the Commissioner unless he has served on the Minister, the Board and all the other parties to the hearing at least ten days notice of his wish to be heard by the Commissioner, stating concisely his reasons for wishing to be heard, and has obtained the Minister's consent to his being heard.

(8) Any person heard by the Commissioner in connection with an appeal shall be deemed for the purposes of these Regulations to be a party to that appeal.

(9) The Commissioner may if he thinks fit hear two or more appeals together, but a party to one appeal shall not on that account be deemed to be a party to any other appeal.

(10) Any party to the appeal may appear in person or be represented by any other person whom he may have authorised to represent him.

(11) Any party to the appeal may produce to the Commissioner evidence additional to that before the Board, if he has served the Board and the other parties to the hearing before the Board with ten days' notice of his intention to do so, setting forth the substance of the new evidence; and any witness giving new evidence before the Commissioner may be examined as to that new evidence by the other parties to the appeal:

Provided that without serving such notice as aforesaid any party to the appeal may produce evidence in rebuttal of evidence produced in accordance with the foregoing provisions of this paragraph.

(12) The Commissioner may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on all persons who were a party to the case before the Board or were heard by the Board in connection with that case.

(13) The Board shall furnish the Commissioner with a transcript of the record of any relevant hearing by them, together with copies of any documents which they may have received in connection with the case. The Board shall indicate which, if any, of these documents they have received in pursuance of Section 2(3) of the Act or in confidence under Regulation 9 of these Regulations, and the Commissioner shall not be required to disclose the content of those documents in the course of the proceeding.

(14) The Commissioner shall send to the Minister a report containing a summary of the proceedings at the hearing, his recommendation to the Minister as to the disposal of the appeal and as to the liability of the parties thereto in respect of the costs or expenses thereof, together with the reasons for his recommendations.

(15) The Minister shall consider the summary and recommendations of the Commissioner and shall, subject to the provisions of paragraph (9) of Regulation 21 of these Regulations, make such order as he thinks fit as to the application or proposal which is the subject of the appeal, and in particular may order the Board to hear or rehear the whole or part of the case. If the Minister does not accept the recommendations of the Commissioner, in whole or in part, he shall give his reasons for not so doing.

(16)(a) In determining an appeal other than an appeal which has been heard by a Commissioner in Scotland the Minister may, if he thinks fit, order any of the parties to the appeal to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof.

(b) Any costs required by an order under the foregoing sub-paragraph to be taxed may be taxed in the county court on such scale as may be directed by the order.

(c) Any sum payable by virtue of an order under sub-paragraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court; and subject to county court rules, an application for an order of the county court under this paragraph may be made *ex parte*.

(d) The powers of the county court under the foregoing provisions of this paragraph may be exercised by the Registrar.

(e) In relation to an appeal which has been heard by a Commissioner in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the appeal were parties to the submission, and any award of expenses by the Minister under this sub-paragraph may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.

(17) The Minister shall communicate his order (including his order as to costs, if any) and the reasons for it, if given, in writing to the Board together with a copy of the Commissioner's report. The Board shall—

(a) take such action as the Minister may have ordered them to take in respect of the licence or application therefor; and

(b) cause the substance of the Minister's order to be published in their official record.

(18) The Minister shall serve on each of the parties to the appeal and on any such person as is referred to in Regulation 4(1)(k)(viii) of these Regulations, being a person resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, a copy of the Commissioner's report and of the Minister's order, and the reasons for it, if given, and shall furnish copies of those documents to any person who so demands.

Continuation of expired licences

15. The periods respectively set forth in the following table are hereby prescribed for the purposes of section 2(8) of the Act (which provides that in the circumstances therein set forth a licence shall not cease to be in force by reason of the expiry of the term for which it was granted):—

<i>Term of licence</i>	<i>Period Prescribed</i>
Not more than 6 months	half the term of the licence.
More than 6 months but not more than 12 months	4 months.
More than 12 months	6 months.

Transfer of licences

16.—(1) Subject to the provisions of this Regulation—

(a) if the sole holder of a licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative ;

(b) if in connection with the reconstruction of any body corporate or bodies corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate) or such part thereof as includes the provision of the air transport services or of flights for other purposes authorised by the licence, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

(2) The person required by paragraph (1) of this Regulation to be treated as the holder of the licence may apply to the Board—

(a) if he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest), and

(b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.

(3) The application shall state the grounds on which it is based and shall be served on the Board within the period of twenty-eight days from the day on which the applicant first became entitled to make it ; and if no application as aforesaid is made within that period, the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence.

(5) The Board shall not, without the consent of the Minister, grant an application for the transfer of a licence to, or the substitution of the name of, any person who is not such a person as is described in section 2(7) of the Act.

(6) For the purposes of this Regulation "legal personal representative" has the same meaning as is assigned to it by section 742 of the Merchant Shipping Act 1894(a).

Fees

17. The provisions of Schedule 2 to these Regulations shall apply in respect of the fees payable to the Board in connection with air service licences and applications relating thereto.

Provision of information by holders of air service licences or of air operator's certificates

18. The Minister or the Board may require any person who is the holder of a licence or of an air operator's certificate to provide the Minister and the Board, or either of them, with such statistical, financial and other information as may be specified in the requirement with respect to that person's operations to which the licence or certificate relates ;

and any person on whom a requirement as aforesaid is served shall comply with it within the period specified in the requirement, if and to the extent that he has the required information in his possession or control.

Surrender of licences

19. If revocation or variation of a licence has taken effect, the Board may require any person who has the licence in his possession or control to surrender it to them for cancellation or variation, as the case may be.

Regional Advisory Committees

20.—(1) There shall be regional advisory committees for Scotland, Wales, Northern Ireland and North East England for the purposes of advising the Board on matters relating to their functions under the Act, with particular regard to the circumstances and requirements of Scotland, Wales, Northern Ireland and North East England respectively.

(2) Each such committee shall consist of not less than ten and not more than sixteen persons.

(3) The Minister shall appoint the members of each such committee, together with a chairman from among its members: Provided that in the case of the regional advisory committees for Scotland, Wales and Northern Ireland the Minister shall first consult respectively with the Secretary of State for Scotland, the Minister for Welsh Affairs and the Minister of Home Affairs of Northern Ireland.

(4) A member of a regional advisory committee shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member.

(5) The Minister shall provide each of the regional advisory committees with such accommodation, equipment and assistance as appears to him to be necessary or expedient for the exercise of their functions.

(6) The Minister shall pay any travelling or other expenses which in his opinion are reasonably incurred by any person as a member of any of the aforesaid regional advisory committees.

Representations by the Government of the Isle of Man or by the States of Jersey or Guernsey

21.—(1) The Government of the Isle of Man or the States of Jersey or Guernsey may make representations to the Minister as respects any decision of the Board with respect to any licence or any application for a licence; and the body making the representations is hereinafter in this Regulation referred to as "the Island Government".

(2) If representations as aforesaid are served on the Minister within the period of thirty days from the day of publication of the decision of the Board in their official record, the Minister shall serve each party to the case before the Board with—

- (a) a copy of the representations;
- (b) a notice that the Minister proposes to consider the representations in pursuance of this Regulation; and
- (c) a notice that the Minister will also consider any rejoinder by any of the parties to the case before the Board which may be served on him within the period of twenty-one days from the day on which the

notice is served, being a rejoinder of which a copy has been served by the party making it on the Island Government and on the other parties to the case before the Board.

(3) The Minister may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on the Island Government and on all the parties to the case before the Board.

(4) The Board shall furnish the Minister and the Island Government with a transcript of the record of any hearings by them in connection with the case.

(5) The Minister shall, unless, after considering the representations of the Island Government and any rejoinders made by the parties to the case before the Board, he is satisfied that it is unnecessary so to do, invite each of the parties to the case before the Board, any person who was heard by the Board in connection with that case, and representatives of the Island Government to consult with such person as he may, subject to the provisions of paragraph (8) of this Regulation, appoint for the purpose (hereinafter referred to as "the appointed person") as to the representations and rejoinders made in pursuance of this Regulation. All the persons who attend the consultation shall be present throughout the consultation. If the appointed person thinks fit, any consultation may relate to two or more decisions of the Board.

(6) Any person who attends the consultation may appear in person or be represented by any other person whom he may have authorised to represent him.

(7) The appointed person shall send to the Minister a summary of the proceedings at the consultation, together with his recommendation to the Minister as to the action which the Minister should take.

(8) If an appeal has been made in accordance with the provisions of Regulation 14 of these Regulations against the decision of the Board to which the representations of the Island Government relate, the appointed person, if the Island Government and the parties to the case before the Board so agree, may be the same person as the Commissioner appointed by the Minister under Regulation 14(6) of these Regulations.

(9) If an appeal as aforesaid has been made, the Minister shall, before making an order under paragraph (15) of that Regulation, consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendation of the appointed person, if any, together with the summary and recommendations which he has received from the Commissioner in pursuance of that Regulation.

(10) If an appeal as aforesaid has not been made, the Minister shall consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendations of the appointed person, if any, and shall make such order as he thinks fit as to the application or proposal which is the subject of the representations.

(11) If the Minister does not accept the recommendations of the appointed person, in whole or in part, he shall give his reasons for not so doing.

(12) The Minister shall inform the Island Government of his decision.

(13) Regulation 14(17) and (18) of these Regulations shall apply to an order of the Minister under this Regulation as they apply to an order of the Minister under Regulation 14, but as if the references to the Commissioner's report were references to the report of the appointed person, and the reference to the parties to the appeal was a reference to persons attending the consultation.

Revocation

22.—(1) Subject to the following provisions of this Regulation, the Civil Aviation (Licensing) Regulations 1960(a), the Civil Aviation (Licensing) (Amendment) Regulations 1961(b), and the Civil Aviation (Licensing) (Amendment) Regulations 1964(c), are hereby revoked.

(2) Section 38(2) of the Interpretation Act 1889(d), (which relates to the effect of repeals) shall apply to these Regulations as if these Regulations were an Act of Parliament and as if the Regulations revoked by paragraph (1) of this Regulation were Acts of Parliament thereby repealed.

(3) These Regulations shall apply to any application, proposal, notice, licence or other document made, served or granted under the Regulations revoked by these Regulations as they apply to any application, proposal, notice, licence or other document made, served or granted under these Regulations and any such application, proposal, notice, licence or other document shall have effect for the purposes of these Regulations as if it had been made, served or granted under the corresponding provision thereof.

Julian Amery,
Minister of Aviation.

17th July 1964.

We approve the making of Regulation 17 of these Regulations.

Martin McLaren,
Ian MacArthur,
Lords Commissioners of Her Majesty's Treasury.

17th July 1964.

(a) S.I. 1960/2137 (1960 I, p. 579),
(c) S.I. 1964/455 (1964 I, p. 727).

(b) S.I. 1961/145 (1961 I, p. 262),
(d) 52 & 53 Vict. c. 63.

SCHEDULE 1

CONDITIONS OF GROUP CHARTER SERVICES

CATEGORY A—(Groups supported by voluntary contributions)

- (i) The operator's reward for providing the service shall be raised entirely by voluntary contributions ;
- (ii) There shall be no minimum contribution ;
- (iii) The contributors shall include persons not to be carried on the service ;
- (iv) It shall not be a condition of being carried on the service that the passenger shall have made a contribution or given any other consideration ; and
- (v) Every passenger carried on the service shall be selected by the hirer of the aircraft for some reason additional to his request that he be carried.

CATEGORY B—(Affinity groups)

- (i) Every passenger to be carried shall be a member of one and the same organised group which pursues a principal objective other than travel, and shall have been a member of that group for the period of six months preceding the flight, or shall be the spouse or dependent child of, or a parent living in the same household as, such a member and accompanying that member on the flight ;
- (ii) The objective other than travel pursued by the group shall be sufficient to distinguish it from the general public ;
- (iii) Except in the case of groups whose members are all employees of the same employer or students or teachers of the same school, college or university, membership of the group shall not exceed twenty thousand persons ;
- (iv) Advertisements and other communications, whether oral or written, for the purpose of inviting or inducing persons to engage on the journey shall be communicated only to members of the group, and only by members or officials of the group.

SCHEDULE 2

FEES

1. The Table referred to in this Schedule is as follows :—

1	2	3	4
Description of Licence	Application Fee	Fee for grant, variation suspension or revocation	Annual Fee
	£ s. d.	£ s. d.	£ s. d.
Class A Licence for:—			
Area I Service	25 0 0	25 0 0	40 0 0
Area II Service	50 0 0	50 0 0	80 0 0
Area III Service	100 0 0	200 0 0	160 0 0
Area IV Service	200 0 0	400 0 0	400 0 0
Area V Service	100 0 0	200 0 0	160 0 0
Class C Licence	3 0 0	Nil	Nil
Any other Licence:—			
(a) for a restricted number of journeys	25 0 0	Nil	10 0 0
(b) for an unrestricted number of journeys	25 0 0	50 0 0	60 0 0

Standard Fees

2. Subject to the provisions of this Schedule, fees shall be payable to the Board as follows :—

- (a) upon making an application for the grant of a licence the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence applied for ;
- (b) for the grant of a licence, the applicant shall pay, on the first day on which the licence authorises a flight, the fee specified in the third column of the Table opposite the description of the licence granted :
 Provided that no fee for the grant of a licence shall be payable in respect of a licence which has been revoked and the revocation whereof has become effective before the first day on which the licence authorises a flight ;
- (c) upon making an application for variation of a licence (whether or not in respect of more than one particular) the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence as it would be if the application were granted ;
- (d) for the variation of a licence (whether or not in more than one particular) the applicant shall pay on the day on which the variation in one or more particular comes into force, the fee specified in the third column of the Table opposite the description of the licence as varied ;
- (e) upon making an application for the revocation or suspension of a licence of which he is not the holder the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence, taking into account any variations which may have been made, and if his application is granted he shall thereupon pay the fee specified in the third column of the Table opposite that description ;
- (f) the holder of a licence shall pay in respect thereof the annual fee specified in the fourth column of the Table opposite the description of the licence, taking into account any variations which may have been made ; payment shall first become due upon the expiration of the period of one year after the first day on which the licence authorises a flight and each subsequent payment shall become due at intervals of one year after that date, but in the case of a licence granted in pursuance of an Order made under section 2(6) of the Act, payment shall become due on 30th March each year ; each payment of an annual fee shall relate to the year following the day on which it becomes due, and, if the fee exceeds ten pounds, may be reduced by the Board by one-twelfth for every month by which the unexpired portion of the term of the licence is less than one year ;
- (g) if a licence is suspended, the annual fee shall not become due so long as the suspension continues, but upon the ending of the suspension the holder of the licence shall pay that fee, which may be reduced by the Board by one-twelfth for every month of suspension during the year to which the fee relates ;
- (h) in determining for the purposes of this paragraph the first day on which a licence authorises a flight no regard shall be had to any provision of the licence which renders it invalid by reason of failure to pay a fee.

Variation of licences : Special provisions

3.—(1) The Board may reduce by such amount as they think fit the fee in respect of an application by the holder of a licence for its variation, and for the variation of the licence, if, in their opinion, it is proper to do so by reason of the disproportion between the amount of the fee and the benefit sought by the application or conferred by the variation, as the case may be.

(2) In a case where a licence is varied with effect in the course of a year to which an annual fee relates, the amount of the annual fee shall be adjusted proportionately so as to take account of any resulting variation in the description of the licence ; and any additional annual fee shall be paid by the holder of

the licence, or any refund of the annual fee shall be made to him (whichever shall be appropriate), on the date on which the variation in the description of the licence comes into force.

(3) If the Board are of the opinion that an application for variation of a licence is in substance an application for a licence for a new service, they may, on varying the licence, direct that for the purpose of the annual fee, the licence is to be treated as if it were several licences of such number and description as they may specify in the direction and that payment of the annual fees shall become due on such dates as they may so specify.

(4) Subject to sub-paragraph (1) hereof, where an application for variation of a licence relates solely to a provision as to the tariff to be charged the fee to be paid for that application shall be £2 0s. 0d. and, if no hearing has been held by the Board in connection with that application, no fee shall be payable for the variation.

Refund of Fees

4.—(1) Where an application for a licence or the variation, revocation or suspension thereof is withdrawn before a notice of a hearing in connection with such application has been published by the Board in their official record the Board may refund such part of the application fee as they think proper in the circumstances of the case.

(2) Where the Board are obliged by section 2(3) of the Act to refuse an application for the grant or variation of a licence they shall refund the whole of the application fee.

(3) Where a licence has been revoked or suspended in the year next following payment of the fee for the grant of the licence or the year next following payment of the full amount of the annual fee, as the case may be, the Board may refund such part of the fee paid as they think fit in the circumstances of the case.

Definition of Area Services

5. For the purposes of this Schedule—

“Area I Service” means a service between places all of which are within the following territories:—

the United Kingdom,
any of the Channel Islands,
the Isle of Man ;

“Area II Service” means a service, not being an Area I Service, between places all of which are within the following territories:—

the United Kingdom,
any of the Channel Islands,
the Isle of Man,
the Republic of Ireland.
Belgium,
Holland,
Luxembourg,

France, north of the rhumb lines successively joining the following points:
47°00' north latitude 02°02' west longitude, 47°00' north latitude 02°00' east longitude, 49°28' north latitude 06°04' east longitude,

Germany, west of the rhumb lines successively joining the following points:
49°28' north latitude 06°04' east longitude, 50°43' north latitude 08°00' east longitude, 53°43' north latitude and 08°00' east longitude,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man ;

“Area III Service” means a service, not being an Area I or an Area II Service, between places all of which are within the following territories:—

the United Kingdom,
any of the Channel Islands,
the Isle of Man,
any of the Canary Islands,
any of the Madeira Islands,
Morocco,
Cyprus,
Iceland,

the area enclosed by the parallels of latitude 66° north and 34° north and the meridians of longitude 10° west and 30° east,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

“Area IV Service” means a service, not being an Area I, an Area II or an Area III Service, if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

“Area V Service” means a service between places, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke and re-enact with modifications the Civil Aviation (Licensing) Regulations 1960, as amended by the Civil Aviation (Licensing) (Amendment) Regulations 1961 and the Civil Aviation (Licensing) (Amendment) Regulations 1964.

The principal modifications are as follows:—

- (a) A Class C licence may now be granted for up to four return flights instead of three return flights and is not now limited to charter services. (Regulation 2(2)).
- (b) Flights by aircraft towing gliders and by helicopters carrying external loads are exempted from the requirement of an air service licence. (Regulation 3(1)(i) and (j)).
- (c) Applications for Class C licences for charter services must now be made not later than 14 days (instead of 72 hours) before the service is to begin. Applications for Class C licences for non-charter services and for Class D licences must now be made 3 months (instead of 14 days in the case of some Class D licences) before the service is to begin. (Regulations 4(5) and (6)).
- (d) The provisions relating to the procedure when the Board propose to revoke, suspend or vary licences have been modified. (Regulation 6).
- (e) The Board are now required to consult with the Regional Advisory Committees before refusing any application for a Class A or Class B licence, but consultation is not now required in cases where particulars of an application have not been published or where the Board suspend a licence under the new procedure for suspension. (Regulation 8).
- (f) The categories of persons entitled to be heard at a meeting of the Board is restricted in the case of carriers by road to those persons holding licences authorising services of express carriages or A or B carriers' licences under the Road Traffic Act 1960. (Regulation 10(2)).

-
- (g) In the case of Class A licences for domestic services, the Board are permitted to set out the tariff provision in a schedule of domestic tariffs published by the Board instead of in the licence. Procedure is prescribed for the variation of the schedule. (Regulation 13(1) and (2)).
- (h) The fees for Class C licences, when the application is published, are reduced and the fees for all other Class C licences are increased. (Schedule 2).

1964 No. 1117 (C. 14)

CIVIL AVIATION

**The Civil Aviation (Licensing) Act 1960 (Channel Islands)
(Commencement) Order 1964**

Made - - - - 16th July 1964

The Minister of Aviation in exercise of the power conferred by section 12(3) of the Civil Aviation (Licensing) Act 1960(a) (hereinafter referred to as "the Act"), as extended to the Channel Islands by the Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961(b) (hereinafter referred to as "the Order"), hereby makes the following Order:—

1. The provisions of the Act as extended to the Channel Islands with the modifications and adaptations specified in the Schedule to the Order shall come into force in the Channel Islands within the meaning of the Order on 4th January 1965.

2. This Order may be cited as the Civil Aviation (Licensing) Act 1960 (Channel Islands) (Commencement) Order 1964.

D. F. Allen,
An Under Secretary of the
Ministry of Aviation.

16th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force in the Channel Islands the provisions of the Civil Aviation (Licensing) Act 1960.

(a) 8 & 9 Eliz. 2. c. 38.

(b) S.I. 1961/574 (1961 I, p. 1260).

STATUTORY INSTRUMENTS

1964 No. 1118 (C. 15)**CIVIL AVIATION****The Civil Aviation (Licensing) Act 1960 (Isle of Man)
(Commencement) Order 1964***Made* - - - - *16th July 1964*

The Minister of Aviation in exercise of the power conferred by section 12(3) of the Civil Aviation (Licensing) Act 1960(a), as extended to the Isle of Man by the Civil Aviation (Licensing) Act 1960 (Isle of Man) Order 1961(b), hereby makes the following Order:—

1. The provisions of the Civil Aviation (Licensing) Act 1960, as extended to the Isle of Man by the Civil Aviation (Licensing) Act 1960 (Isle of Man) Order 1961 with the modifications and adaptations specified in the Schedule to that Order, shall come into force in the Isle of Man on 4th January 1965.

2. This Order may be cited as the Civil Aviation (Licensing) Act 1960 (Isle of Man) (Commencement) Order 1964.

D. F. Allen,
**An Under Secretary of the
Ministry of Aviation.**

16th July 1964.

EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate
its general purport.)*

This Order brings into force in the Isle of Man the provisions of the Civil Aviation (Licensing) Act 1960.

(a) 8 & 9 Eliz. 2. c. 38.

(b) S.I. 1961/575 (1961 I, p. 1262).

1964 No. 1119

LANDLORD AND TENANT**The Rent Restrictions (Amendment) Regulations 1964**

<i>Made</i> - - - -	20th July 1964
<i>Laid before Parliament</i>	23rd July 1964
<i>Coming into Operation</i>	28th September 1964

The Minister of Housing and Local Government, in exercise of his powers under section 2(1) of the Landlord and Tenant Act 1962(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Rent Restrictions (Amendment) Regulations 1964 and shall come into operation on 28th September 1964.

2. The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. There shall be added at the end of the form set out in Part I of Schedule 2 to the Rent Restrictions Regulations 1957(c) the following paragraph:—

“ 16. If you move, you will lose your controlled tenancy and the protection of the Rent Acts. As a protected tenant your landlord cannot evict you, except in certain special cases, without a court order which will only be granted if the court think it reasonable to do so and either there is suitable accommodation for you to go to or if one of a limited number of conditions is satisfied (for example failure to pay rent or conduct which is a nuisance or annoyance to neighbours). You would be well advised to consult a solicitor, the local authority or a Citizens' Advice Bureau before accepting any proposals which would mean giving up your present tenancy ”.

Given under the official seal of the Minister of Housing and Local Government on 20th July 1964.

(L.S.)

Keith Joseph,
 Minister of Housing and
 Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations add a new paragraph to the form of notice which has to be inserted in rent books required under section 1 of the Landlord and Tenant Act 1962 to be provided in connexion with dwellings to which the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 apply.

(a) 10 & 11 Eliz. 2, c. 50.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1957/981 (1957 I, p. 1251).

STATUTORY INSTRUMENTS

1964 No. 1125 (L. 10)**SUPREME COURT OF JUDICATURE, ENGLAND****PROCEDURE****The Matrimonial Causes (District Registries) Order 1964***Made - - - - 20th July 1964*

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power vested in me by Rule 1(3) of the Matrimonial Causes Rules 1957(a) and of all other powers enabling me in this behalf, and with the concurrence of Sir Jocelyn Simon, President of the Probate, Divorce and Admiralty Division, do hereby make the following Order:—

1. On and after 1st October 1964, any matrimonial cause or matter may, subject to the provisions of the Matrimonial Causes Rules 1957, as amended(b), be commenced and prosecuted in the District Registries of the High Court at Crewe, Newport (Isle of Wight), Rhyl, Swindon and Winchester in addition to the District Registries set out in Appendix I of those Rules.

2. This Order may be cited as the Matrimonial Causes (District Registries) Order 1964.

Dated 20th July 1964.

Dilhorne, C.

I concur.

J. E. S. Simon, P.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order adds Crewe, Newport (Isle of Wight), Rhyl, Swindon and Winchester to the list of District Registries at which matrimonial causes may be commenced and prosecuted.

(a) S.I. 1957/619 (1957 II, p. 2406).

(b) There is no amendment which relates to the subject matter of this Order.

1964 No. 1126

LONDON GOVERNMENT

**The London Authorities (Appropriate Superannuation Funds)
Order 1964**

<i>Made</i> - - - -	20th July 1964
<i>Laid before Parliament</i>	27th July 1964
<i>Coming into Operation</i>	28th July 1964

The Minister of Housing and Local Government, in exercise of his powers under section 77(3) of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, Commencement and Interpretation

1.—(1) This order may be cited as the London Authorities (Appropriate Superannuation Funds) Order 1964, and shall come into operation on 28th July 1964.

(2) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Appropriate Superannuation Fund

2. For the purposes of the Local Government Superannuation Act 1937(c), the appropriate superannuation fund in relation to any person who before 1st April 1965 becomes a contributory employee of any authority mentioned in column (1) of the schedule to this order shall be—

- (a) prior to 1st April 1965, the superannuation fund maintained by the authority specified opposite thereto in column (2) of that schedule, and
- (b) on and after 1st April 1965, the fund which under section 4 of the said Act of 1937 is the appropriate superannuation fund in relation to contributory employees of the authority by whom the person is then employed.

Transfer of Liabilities

3. Any liability incurred by the county council of Essex in consequence of article 2(a) of this order in respect of any person who has ceased to be employed by the Greater London Council prior to 1st April 1965 shall be transferred on that day to the Greater London Council, or if the Greater London Council is then a constituent authority under a combination scheme under section 2 of the Local Government Superannuation Act 1937, to the joint committee established by that scheme.

Financial Adjustments

4.—(1) There shall be such adjustment of the superannuation fund of the county council of Essex in consequence of the provisions of this order as may be agreed between the county council and the Greater London Council

(a) 1963 c. 33.

(b) 52 & 53 Vict. c. 63.

(c) 1 Edw. 8 & 1 Geo. 6. c. 68.

or, as the case may be, the joint committee mentioned in article 3 of this order or, in default of agreement, as may be determined by the Minister of Housing and Local Government ; and the agreement or determination may provide for the transfer or retention of any property, debts and liabilities, and for the making of payments either by way of a capital sum or instalments.

(2) Any property, debt or liability transferred or sum paid to the Greater London Council or to the said joint committee by or under this order shall be carried to their superannuation fund or met out of that fund as the case may be.

SCHEDULE

Employing Authority

(1)

Appropriate Administering Authority

(2)

The Greater London Council ...	The county council of Essex.
The council of the London borough of Barking.	The council of the borough of Dagenham.
The council of the London borough of Barnet.	The council of the borough of Hendon.
The council of the London borough of Bexley.	The council of the borough of Erith.
The council of the London borough of Brent.	The council of the borough of Willesden.
The council of the London borough of Bromley.	The council of the urban district of Orpington.
The council of the London borough of Camden.	The council of the metropolitan borough of St. Pancras.
The council of the London borough of Croydon.	The council of the county borough of Croydon.
The council of the London borough of Ealing.	The council of the existing borough of Ealing.
The council of the London borough of Enfield.	The council of the existing borough of Enfield.
The council of the London borough of Greenwich.	The council of the metropolitan borough of Woolwich.
The council of the London borough of Hackney.	The council of the metropolitan borough of Hackney.
The council of the London borough of Hammersmith.	The council of the metropolitan borough of Fulham.
The council of the London borough of Haringey.	The council of the borough of Tottenham.
The council of the London borough of Harrow.	The council of the existing borough of Harrow.
The council of the London borough of Havering.	The council of the urban district of Hornchurch.
The council of the London borough of Hillingdon.	The council of the urban district of Ruislip-Northwood.
The council of the London borough of Hounslow.	The council of the borough of Heston and Isleworth.
The council of the London borough of Islington.	The council of the metropolitan borough of Islington.
The council of the Royal borough of Kensington and Chelsea.	The council of the metropolitan borough of Chelsea.
The council of the Royal borough of Kingston upon Thames.	The council of the borough of Surbiton.
The council of the London borough of Lambeth.	The council of the metropolitan borough of Lambeth.

<i>Employing Authority</i>	<i>Appropriate Administering Authority</i>
(1)	(2)
The council of the London borough of Lewisham.	The council of the metropolitan borough of Lewisham.
The council of the London borough of Merton.	The council of the urban district of Merton and Morden.
The council of the London borough of Newham.	The council of the county borough of West Ham.
The council of the London borough of Redbridge.	The council of the borough of Ilford.
The council of the London borough of Richmond upon Thames.	The council of the borough of Richmond.
The council of the London borough of Southwark.	The council of the metropolitan borough of Camberwell.
The council of the London borough of Sutton.	The council of the borough of Sutton and Cheam.
The council of the London borough of Tower Hamlets.	The council of the metropolitan borough of Stepney.
The council of the London borough of Waltham Forest.	The council of the borough of Walthamstow.
The council of the London borough of Wandsworth.	The council of the metropolitan borough of Wandsworth.
The council of the new City of Westminster.	The council of the metropolitan borough of Paddington.

Given under the official seal of the Minister of Housing and Local Government on 20th July 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Order provides that certain persons who are appointed by a London borough council or the Greater London Council before 1st April 1965 will contribute to the superannuation fund of a specified local authority until that date, when these councils will be able to maintain superannuation funds of their own. The persons concerned are those who on appointment become contributory employees of one of these councils under the Local Government Superannuation Acts, that is to say persons appointed otherwise than from an existing local authority in Greater London. Persons appointed from such an authority will until 1st April 1965 contribute to the same fund as hitherto by virtue of the London Authorities (Interim Action) Order 1964 (S.I. 1964/679).

1964 No. 1127

WAGES COUNCILS

**The Wages Regulation (Cotton Waste Reclamation)
Order 1964**

Made - - - - - 20th July 1964
Coming into Operation 10th August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Cotton Waste Reclamation Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Cotton Waste Reclamation) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 10th August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Cotton Waste Reclamation) Order 1963(c), shall cease to have effect.

Dated 20th July 1964.

Joseph Godber,
 Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Cotton Waste Reclamation) Order 1963 (Order C.W. (69)).

 (a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1963/978 (1963 II, p. 1623).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III of this Schedule is:—

- (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II of this Schedule ;
- (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker.

PART II

GENERAL MINIMUM TIME RATES

MALE WORKERS

2. The general minimum time rates payable to male workers are as follows:—

							Per hour
							s. d.
Aged 21 years or over	...	...	...	...	...	...	3 10
„ 20 and under 21 years	...	...	...	...	...	...	3 7½
„ 19 „ „ 20	„	„	„	„	„	„	3 6
„ 18 „ „ 19	„	„	„	„	„	„	3 2
„ 17 „ „ 18	„	„	„	„	„	„	2 11½
„ 16 „ „ 17	„	„	„	„	„	„	2 7
„ under 16 years	...	...	...	...	...	...	2 5½

FEMALE WORKERS

3. The general minimum time rates payable to female workers are as follows:—

							Per hour
							s. d.
(1) Aged 18 years or over and employed:—							
(a) in England and Wales	...	...	...	...	...	...	3 2½
(b) in Scotland	...	...	...	...	...	...	3 2
(2) Employed in any part of Great Britain and aged:—							
17 and under 18 years	...	...	...	...	...	...	2 10½
16 „ „ 17 „	...	...	...	...	...	...	2 7½
under 16 years	...	...	...	...	...	...	2 5

PART III

OVERTIME AND WAITING TIME—ALL WORKERS

MINIMUM OVERTIME RATES

4.—(1) Minimum overtime rates are payable to any worker as follows:—

- (a) on a Sunday or a customary holiday, for all time worked Double time
- (b) in any week, exclusive of any time worked on a Sunday or a customary holiday, for time worked in excess of 42½ hours—
- (i) for the first 2 hours Time-and-a-quarter
- (ii) thereafter Time-and-a-half

(2) In this paragraph the expression “customary holiday” means:—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday.

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday; and

three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or (b) In the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day, or a day substituted by agreement between the employer and the worker or his representative.

(3) In this paragraph the expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively one and a quarter times, one and a half times, and twice the minimum remuneration payable to the worker for work to which a minimum overtime rate does not apply.

WAITING TIME

5.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances:—

- (a) without the employer's consent, express or implied;
- (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;
- (c) by reason only of the fact that he is resident thereon;
- (d) during normal meal times, in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

PART IV

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

6. This Schedule applies to workers in relation to whom the Cotton Waste Reclamation Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Cotton Waste Branch of the Waste Materials Reclamation trade as specified in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (Cotton Waste Branch) (Constitution and Proceedings) Regulations 1929(a), which Schedule is as follows:—
- “1. For the purposes of this Schedule the expression ‘reclamation’ means all operations (including the operations of willowing and garnetting) performed on any waste material or waste article.
- The expression ‘cotton waste establishment’ means an establishment in which the operations specified in paragraphs 2 (a) and 2 (b) hereof and operations connected therewith constitute the principal business carried on.
- The expression ‘establishment’ means any establishment or any branch or department of an establishment.
2. Subject to the provisions of this Schedule the Cotton Waste branch of the Waste Materials Reclamation trade consists of the following operations:—
- (a) reclamation wherever performed of cotton waste ;
 - (b) making engine cleaning waste ;
 - (c) reclamation of any other waste material or article where performed in or in connection with a cotton waste establishment ;
 - (d) making (whether from new or waste material) or repairing sacks or bags in a cotton waste establishment except where the bags are made or repaired:—
 - (i) otherwise than for use in the establishment ; and
 - (ii) in an establishment wholly or mainly engaged in the making or repairing of sacks or bags ;
- and operations connected therewith.
3. Notwithstanding anything in this Schedule the following operations are not operations in the Cotton Waste branch of the Waste Materials Reclamation trade:—
- (a) reclamation of any waste material or waste article in an establishment (other than a cotton waste establishment) in which that material or article is produced or is used as material for manufacture or as a container or wrapper for other articles manufactured in the establishment, and operations connected therewith ;
 - (b) production of shoddy or mungo or woollen flock or any operations performed in an establishment in which the production of shoddy or mungo or woollen flock is the principal business carried on ;
 - (c) repairing or overhauling machinery or plant ;
 - (d) collecting, transporting, packing, warehousing, or despatching when performed by workers in the direct employment of an employer who is not otherwise engaged in the Waste Materials Reclamation trade ;
 - (e) cleaning or washing when performed in an establishment where the cleaning or washing is mainly of articles other than those specified in paragraph 2 hereof ;
 - (f) cleaning of premises by charwomen ;

-
- (g) caretaking ;
 - (h) clerical work ;
 - (i) reclamation of cotton waste and making engine cleaning waste when performed in, or in connection with, a general waste materials establishment (as defined in the Schedule to the Trade Boards (Waste Materials Reclamation Trade, Great Britain) (General Waste Branch) (Constitution and Proceedings) Regulations 1933(a)), except where performed in or in connection with:—
 - (i) a branch or department of a general waste materials establishment which constitutes a cotton waste establishment, or
 - (ii) a branch or department of a cotton waste establishment which constitutes a general waste materials establishment.”
-

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 10th August 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Cotton Waste Reclamation) Order 1963 (Order C.W. (69)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1933/833 (Rev. XXIII, p. 497: 1933, p. 2056).

1964 No. 1128

EDUCATION, ENGLAND AND WALES

The University and Other Awards Amending Regulations 1964

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	23rd July 1964
<i>Coming into Operation</i>	1st September 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 1 of the Education Act 1962(a), hereby makes the following regulations:—

1. These regulations may be cited as the University and Other Awards Amending Regulations 1964, and shall come into operation on 1st September 1964.

2.—(1) These regulations amend the University and Other Awards Regulations 1962(b), hereinafter called “the existing regulations”.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Regulation 1 of the existing regulations shall have effect with the insertion after the word “September” in paragraph (2), which relates to definitions, of the words “so, however, that where a course begins in the spring or summer term the period of 12 months shall be deemed to begin on 1st December or 1st March, as the case may be”.

4. Regulation 3 of the existing regulations, which relates to educational qualifications, shall have effect with the omission of paragraph (b).

5. Regulation 5 of the existing regulations, which relates to exceptions from the duty to bestow awards, shall have effect with the following amendments:—

(a) the insertion in paragraph (a), before the words “course of initial training” of the words “full-time”;

(b) the insertion in paragraph (b), after the words “would have been so resident had” of the words “he or”.

6. Regulation 6 of the existing regulations, which relates to an applicant's change of residence, shall have effect with the substitution of the following paragraph for paragraph (1):—

“(1) An applicant for an award who changes his place of ordinary residence within the period of twelve months before the date on which the course in respect of which the award is sought is due to begin, shall be treated as ordinarily resident in the area of the authority in which he was ordinarily resident—

on 30th June within that period if his course begins in the autumn term,

on 31st October within that period if his course begins in the spring term,

on 28th February within that period if his course begins in the summer term.”.

(a) 10 & 11 Eliz. 2. c. 12.

(b) S.I. 1962/1689 (1962 II, p. 2087).

(c) 52 & 53 Vict. c. 63.

7. Regulation 7 of the existing regulations, which relates to period of awards, shall have effect with the substitution of the following paragraphs for paragraph (2):—

“(2) If the holder of an award is permitted by the academic authorities to transfer, before the commencement of the second year of the course, to another designated course at the same university or establishment of further education, the authority shall continue the award for the period normally required to complete the new course.

(2A) If the holder of an award transfers, before the commencement of the second year of the course, to a designated course at another university or establishment of further education with the consent, given on educational grounds, of the academic authorities of both universities or establishments of further education concerned, the authority shall continue the award for the period normally required to complete the new course.”.

8. Regulation 9 of the existing regulations, which relates to fees and other dues, shall have effect with the addition at the end of paragraph (d) of the words “ and graduation ”.

9. Regulation 10 of the existing regulations, which relates to payments for maintenance, shall have effect with the omission from paragraph (d) of the words “ reading Modern Languages ”.

10. Regulation 11 of the existing regulations, which relates to additional payments, shall have effect with the following amendments:—

(a) The substitution of the following sub-paragraph for sub-paragraph

(a) of paragraph (1):—

“(a) where he attends the university or establishment of further education for any period over 30 weeks in a year, or 25 weeks if he is at Oxford University or Cambridge University, then a payment shall be made in respect of the excess period at the rate of £5 a week if he lives away from home or at the rate of £2 a week if he does not;”

(b) The insertion in sub-paragraph (c) of paragraph (1) after the word “ payment ” of the words “ at the rate ” and after the word “ home ” of the words “ and at the rate of ”.

(c) The insertion in sub-paragraph (d) of paragraph (1) after the word “ payment ” of the words “ at the rate ”.

(d) The substitution of the following sub-paragraph for sub-paragraph (e):—

“(e) a payment shall be made to cover any expenditure over £10 a year necessarily incurred by an award holder on travel within the United Kingdom for the purpose of attending his university or establishment of further education or within or outside the United Kingdom for the purpose of attending a course qualifying for payments under paragraph (d) of regulation 10 or sub-paragraph (b), (c) or (d) of this paragraph of this regulation.”.

(e) The omission from sub-paragraph (a) of paragraph (2) of the words “ if he is within one of the categories described in regulation 15(2), £2 if he is not.”.

(f) The omission from sub-paragraph (b) of paragraph (2) of the words “ or otherwise for the purpose of his studies ”.

11. Regulation 12 of the existing regulations, which relates to payments for dependants, shall have effect with the following amendments :—

- (a) The insertion in paragraph (3), after the word "payments" of the words "other than payments under sub-paragraph (e) of the foregoing paragraph".
- (b) The substitution in paragraph (4) of the words "the year in which the course begins" for the words "his award is bestowed".
- (c) The substitution in sub-paragraph (a) of paragraph (4) of the words "for three years preceding that year" for the words "during the three years immediately preceding the year in which the course begins".

12. Regulation 13 of the existing regulations, which relates to older students, shall have effect with the following amendments :—

- (a) The substitution of the figures "26" for the figures "25" where they first appear.
- (b) The substitution of the words "for three years" for the words "during the three years immediately".

13. Regulation 15 of the existing regulations, which relates to reductions in payments, shall have effect with the following amendments :—

- (a) The substitution in sub-paragraph (a) of paragraph (2) of the words "for three years" for the words "during the three years immediately".
- (b) The substitution in sub-paragraph (c) of paragraph (2) of the words "year in which the course begins" for the words "award is bestowed".

14. Regulation 17 of the existing regulations, which relates to members of religious orders, shall have effect with the substitution of the words and figures "£150 a year for maintenance" for the words and figures "£30 per annum for books, instruments and materials, to a payment to cover the cost of necessary travel".

15. Regulation 18 of the existing regulations, which relates to sandwich courses, shall have effect with the following amendments :—

- (a) The omission from paragraph (1) of the words "the course when forming part of".
- (b) The substitution of the following paragraph for paragraph (2):—
 - "(2) Where an award is in respect of a sandwich course regulation 16 shall not apply and the regulations hereinafter specified shall be modified as follows :—
 - (a) the payments in respect of maintenance prescribed by regulation 10 shall be reduced by £30 (representing the amount payable in respect of maintenance during vacations) and shall be further reduced so that the award holder receives amounts which bear the same proportion to the said payments (as so reduced) as the number of weeks he attends the establishment of further education bears to 30, hereinafter referred to as "the prescribed proportion";
 - (b) the payments in respect of older students prescribed by regulation 13 shall be reduced so that the award holder receives the prescribed proportion thereof;
 - (c) the payments in respect of dependants prescribed by regulation 12 shall be reduced so that the award holder receives amounts which bear the same proportion to the payments so prescribed as the number of weeks which he attends the establishment of further education bears to 52;

(d) the payments provided for by regulations 9, 10, 11, 12 and 13 shall be further reduced, where appropriate, in accordance with regulation 14, which shall be modified as follows:—

“ (i) the first £100 shall be reduced to the prescribed proportion thereof, and

(ii) payments made to the award holder by his employer in respect of the periods of industrial, professional or commercial experience shall be excluded from the assessment of the income of the award holder ” ;

(e) the payments provided for by regulations 9, 10 and 11 shall be further reduced, where appropriate, in accordance with regulation 15, which shall be modified so that the parental contribution shall be reduced to the prescribed proportion thereof.

16. Regulation 21 of the existing regulations, which relates to termination of awards, shall have effect with the substitution in paragraph (1) of the words and figures “ paragraph (2) or (2A) of regulation 7 ” for the word and figures “ regulation 7(2) ”.

17. Schedule 1 of the existing regulations, which relates to designated courses, shall have effect with the omission from item (viii) of sub-paragraph (h) of paragraph 4 of the words “ and Midland Institute ”.

18. Schedule 2 of the existing regulations, which relates to parental contributions, shall have effect with the substitution of the following sub-paragraphs for sub-paragraph (a) of paragraph 4 :—

“ (a) Where both parents are gainfully employed an allowance towards the cost in wages of domestic assistance not exceeding the emoluments of the parent who earns the less, or £200, whichever is the less, shall be deducted.

(aa) Where a parent, who is not a widow or widower, is incapacitated, an allowance towards the cost in wages of domestic assistance, not exceeding £200, shall be deducted.”

Given under the Official Seal of the Secretary of State for Education and Science on 21st July 1964.

(L.S.)

Edward C. G. Boyle,
Minister of State for Education
and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations, with the exception of the amendment to regulation 17, make minor amendments to the University and Other Awards Regulations 1962 in the light of experience of their operation. Regulation 17 is amended to increase the payment to members of religious orders from £30 to £150 per annum.

1964 No. 1132

WAGES COUNCILS

The Wages Regulation (Hairdressing) Order 1964

Made - - - - 21st July 1964
Coming into Operation 31st August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hairdressing Undertakings Wages Council (Great Britain) (hereafter in this Order referred to as the "Wages Council") the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Hairdressing) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 31st August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Hairdressing) Order 1962(c), shall cease to have effect.

Dated 21st July 1964.

Joseph Godber,
 Minister of Labour.

 (a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1962/2295 (1962 III, p. 3179).

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Hairdressing) Order 1962(a) (hereinafter referred to as "Order H.U. (30)").

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 7, 9 and 10, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3 and 5.

Any increase in remuneration payable under the provisions of paragraph 2 or 5 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

APPRENTICE, OPERATIVE HAIRDRESSER

2. Subject to the provisions of paragraph 1, the minimum remuneration payable to an apprentice (whose employment complies with the conditions specified in paragraph 6) or operative hairdresser employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, during the period of employment specified in Column 1 of the next following table shall be the appropriate amount set out in Column 2.

	Column 1	Column 2	
		London Area	Provincial A Area and Provincial B Area
(1) Apprentice (employed in a ladies' or gentlemen's saloon)—		Per week	Per week
		£ s. d.	£ s. d.
First six months of employment as an apprentice		2 10 6	2 5 0
Second six months of employment as an apprentice		2 16 0	2 10 6
Third six months of employment as an apprentice		3 8 6	3 3 0
Fourth six months of employment as an apprentice		3 14 6	3 8 6
Fifth six months of employment as an apprentice		4 8 6	4 3 0
Sixth six months of employment as an apprentice		4 14 0	4 8 6

(2) Operative hairdresser—

	Worker employed in a			
	Ladies' Saloon		Gentlemen's Saloon	
	London Area	Provincial A Area and Provincial B Area	London Area	Provincial A Area and Provincial B Area
	Per week	Per week	Per week	Per week
First year of employment as an operative hairdresser—	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Male	6 7 0	6 2 0	7 10 6	7 5 0
Female	5 15 0	5 10 0	7 10 6	7 5 0
Second year of employment as an operative hairdresser—				
Male	7 18 0	7 13 0	9 9 6	9 3 6
Female	7 5 6	7 0 0	9 9 6	9 3 6
After two years of employment as an operative hairdresser—				
Male	9 15 6	9 9 6	9 9 6	9 3 6
Female	8 5 6	8 0 0	9 9 6	9 3 6

Provided that where under the terms of his employment a worker may at any time be required to do hairdressing for both ladies and gentlemen the rate applicable, in whichever saloon he is employed, shall be the rate appropriate to the worker when employed in either a ladies' or a gentlemen's saloon, whichever is the higher.

MANAGER, MANAGERESS, CHARGEHAND

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to a worker specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2 Worker employed in a				
	Ladies' Saloon		Gentlemen's Saloon		
	London Area	Provincial A Area and Provincial B Area	London Area	Provincial A Area and Provincial B Area	
	Per week	Per week	Per week	Per week	
Chargehand—	Male	£ s. d. 10 12 6	£ s. d. 10 7 6	£ s. d. 10 7 6	£ s. d. 10 1 6
	Female	9 6 0	9 0 6	10 7 6	10 1 6
Manager		11 13 0	11 7 6	11 7 6	11 1 6
Manageress		10 6 6	10 1 0	11 7 6	11 1 6

Provided that where the worker is responsible for both a ladies' saloon and a gentlemen's saloon, the rate applicable shall be the rate appropriate to the worker when employed in either a ladies' saloon or a gentlemen's saloon, whichever is the higher.

EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

4. Where any worker has completed the period of training in hairdressing in respect of which training allowances are payable under the Government Vocational Training Scheme, such period of training shall, for the purposes of this Schedule, be treated as though it were a period of two years' employment as an operative hairdresser.

**WORKERS OTHER THAN THOSE TO WHOM PARAGRAPH 2 OR
PARAGRAPH 3 APPLIES**

5. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers (other than workers to whom paragraph 2 or 3 applies) of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	London Area		Provincial A Area		Provincial B Area	
	Per week		Per week		Per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(1) Clerk, receptionist, manicurist:—						
Aged 24 years or over ...	195 6	147 6	190 6	142 0	184 0	134 0
" 23 and under 24 years...	183 6	138 0	179 6	132 6	171 6	125 0
" 22 " " 23 " ...	179 0	133 0	173 0	127 6	166 6	120 0
" 21 " " 22 " ...	175 0	128 6	168 0	123 0	160 0	115 0
" 20 " " 21 " ...	142 0	109 0	136 0	104 0	129 6	99 0
" 19 " " 20 " ...	131 6	103 6	125 6	98 6	118 6	93 0
" 18 " " 19 " ...	119 6	96 0	115 0	91 0	108 0	86 0
" 17 " " 18 " ...	97 6	79 6	92 0	74 6	86 6	69 6
" 16 " " 17 " ...	91 0	74 6	85 0	69 0	80 6	64 6
" under 16 years ...	86 0	70 0	80 0	65 0	76 0	60 0
(2) Sales assistant, cashier, clerical assistant:—						
Aged 23 years or over ...	188 6	142 0	183 6	137 0	177 0	128 6
" 22 and under 23 years...	179 0	133 0	173 0	127 6	166 6	120 0
" 21 " " 22 " ...	175 0	128 6	168 0	123 0	160 0	115 0
" 20 " " 21 " ...	142 0	109 0	136 0	104 0	129 6	99 0
" 19 " " 20 " ...	131 6	103 6	125 6	98 6	118 6	93 0
" 18 " " 19 " ...	119 6	96 0	115 0	91 0	108 0	86 0
" 17 " " 18 " ...	97 6	79 6	92 0	74 6	86 6	69 6
" 16 " " 17 " ...	91 0	74 6	85 0	69 0	80 6	64 6
" under 16 years ...	86 0	70 0	80 0	65 0	76 0	60 0
(3) All other workers:—						
Aged 23 years or over ...	179 6	136 6	175 0	131 6	171 6	123 0
" 22 and under 23 years...	175 6	129 0	170 0	123 6	162 6	116 0
" 21 " " 22 " ...	171 6	126 0	165 0	121 0	157 0	113 0
" 20 " " 21 " ...	141 0	108 0	135 0	103 0	127 6	97 6
" 19 " " 20 " ...	130 6	102 6	124 6	97 0	117 0	91 6
" 18 " " 19 " ...	118 0	94 6	113 6	90 0	106 6	84 0
" 17 " " 18 " ...	96 6	78 6	91 0	73 0	85 6	68 6
" 16 " " 17 " ...	89 6	73 0	84 0	68 0	79 6	63 6
" under 16 years ...	84 6	68 6	79 0	64 0	75 0	59 0

APPRENTICES

CONDITIONS AS TO RATES FOR APPRENTICES

6.—(1) For the purposes of this Schedule “APPRENTICE” means any worker during the first three years of his apprenticeship during which the following conditions are satisfied, in respect of that worker, that is to say:—

(a) the worker shall be employed during the whole of his time under a written contract of apprenticeship which has been duly executed and which contains the following provisions or provisions substantially to the same effect and no provisions contrary thereto:—

(i) the worker of his own free will and with the consent of his guardian binds himself to serve the employer as his apprentice in his trade of hairdressing for the term of not less than three years;

(ii) the employer will employ the worker as his apprentice during the said term and to the best of his power, skill and knowledge instruct the worker or cause him to be instructed in either ladies’ or gentlemen’s hairdressing or both;

(iii) the employer will keep the worker under his own supervision or place him under the supervision of one or more operative hairdressers;

(b) the total number of workers employed at any time at the establishment at which the worker works in respect of whom the conditions contained in (a) of this sub-paragraph are fulfilled or who are prospective apprentices to whom sub-paragraph (2) of this paragraph relates, shall not exceed one for each experienced operative hairdresser employed at the said establishment; and for the purposes of this condition “experienced operative hairdresser” means an operative hairdresser who has completed a total of not less than two years’ employment as such in one or more hairdressing undertakings:

Provided that—

(i) no account shall be taken of an operative hairdresser who is not employed in the branch or branches of hairdressing in which the worker is bound to serve;

(ii) no account shall be taken of an operative hairdresser who does not normally work for the employer for at least 24 hours a week as a worker to whom this Schedule applies;

(iii) no account shall be taken of the temporary absence of an operative hairdresser or a casual vacancy for a short period in the number of operative hairdressers employed;

(iv) where an employer or a manager is himself a hairdresser of not less than five years’ experience wholly or mainly employed in hairdressing, he shall be treated as an experienced operative hairdresser.

(2) Notwithstanding the foregoing provisions of this paragraph, where an employer employs a worker as a prospective apprentice for a probationary period not exceeding three months (or such extended period as is hereinafter mentioned) and the condition specified at (b) of sub-paragraph (1) of this paragraph is satisfied in the case of that worker, the minimum remuneration applicable to that worker during the probationary period shall be that applicable to an apprentice employed in accordance with the conditions specified in the foregoing provisions of this paragraph, and, in the event of the worker being continued thereafter at his employment as an apprentice, the said probationary period shall, for the purposes of this Schedule, be treated as part of the period of apprenticeship, whether or not it is included therein. Where, before the expiration of three months from the commencement of employment as a prospective apprentice as aforesaid, the Wages Council has received and acknowledged in writing written notification of such

employment and of the intention of the employer and worker to enter into a written contract of apprenticeship the said probationary period may be extended as the Wages Council may consider necessary for the drawing up and execution of the written contract.

- (3) A worker who, after attaining the age of 15 years, undergoes a full-time course of instruction in hairdressing of not less than two years' duration at any school or institution approved by the Wages Council, shall, at the end of the course of instruction, be deemed for the purposes of this paragraph to have served a period of three years' apprenticeship during which the conditions specified in sub-paragraph (1) of this paragraph were satisfied.

MINIMUM OVERTIME RATES

7. Overtime shall be payable to any worker at the following minimum rates:—

- (1) On a Sunday or customary holiday—

for all time worked **DOUBLE TIME**

Provided that where it is, or becomes, the established practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the foregoing provisions of this paragraph shall apply in like manner as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

- (2) (a) On the weekly short day (not being the weekly short day to which (b) applies)—

for all time worked after
1.30 p.m. **TIME-AND-A-HALF**

- (b) On the weekly short day in any week during which, under section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half-holiday—

for all time worked after
1.30 p.m. **DOUBLE TIME**

- (3) In any week, exclusive of any time in respect of which an overtime rate is payable under the provisions of (1) and (2) of this paragraph:

(a) for the first four hours worked in excess of 44... .. **TIME-AND-A-QUARTER**

(b) thereafter **TIME-AND-A-HALF**

Provided that in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours" and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

WAITING TIME

8. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

- (1) without the employer's consent, express or implied;
- (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;
- (3) by reason only of the fact that he is resident thereon; or
- (4) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

**GUARANTEED WEEKLY REMUNERATION PAYABLE TO A
FULL-TIME WORKER**

- 9.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in sub-paragraph (2) of this paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.
- (2) The amount to be excluded from the total remuneration referred to in the foregoing sub-paragraph is the whole of the remuneration payable in respect of overtime for work on a Sunday or on the weekly short day and one half of the remuneration payable in respect of overtime for work on a customary holiday.
- (3) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3 or 5 for 44 hours' work in his normal occupation:
- Provided that
- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated in accordance with paragraph 10) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies ;
- (b) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (4) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (b) to sub-paragraph (3) of this paragraph) is
- (a) capable of and available for work ; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (5) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (6) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 10.—(1) The minimum remuneration specified in this Part of this Schedule relates to a week of 44 hours exclusive of overtime and, except as provided in paragraph 9 (which relates to guaranteed weekly remuneration), is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 8, be excluded.

PART II

HOLIDAYS AND HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

- 11.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (in this Schedule referred to as a "customary holiday") in each year on the days specified in the next following sub-paragraph, provided that the worker has been in his employment for a period of not less than four weeks immediately preceding the customary holiday, and has worked for the employer during the whole or part of that period, and (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.
- (2) The said customary holidays are:—
- (a) (i) In England and Wales—
 Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;
- (ii) In Scotland—
 New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;
 the local Spring holiday ;
 the local Autumn holiday ;
 Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday) ; and
 two other days observed by local custom as holidays to be fixed by the employer and notified to the worker ;
- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday.
- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any such customary holiday on which he so works, the worker shall be allowed a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a week-day on which he would normally work within the period of 21 days next ensuing.
- (4) A worker who is required to work on a customary holiday shall be paid:—
- (a) for all time worked thereon, in accordance with paragraph 7 ; and
- (b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 15.

ANNUAL HOLIDAY

12.—(1) In addition to the holidays specified in paragraph 11, an employer shall between the date on which the provisions of this Schedule become effective and 31st October 1964, and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 19) set out in the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months ...	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months ...	11 "	9 "	7 "	5 "
" " 10 "	10 "	8 "	7 "	5 "
" " 9 "	9 "	7 "	6 "	4 "
" " 8 "	8 "	7 "	5 "	4 "
" " 7 "	7 "	6 "	5 "	3 "
" " 6 "	6 "	5 "	4 "	3 "
" " 5 "	5 "	4 "	3 "	2 "
" " 4 "	4 "	3 "	3 "	2 "
" " 3 "	3 "	2 "	2 "	1 day
" " 2 "	2 "	2 "	1 day	1 "
" " 1 month "	1 day	1 day	1 "	nil

- (2) Notwithstanding the provisions of the last foregoing sub-paragraph—
- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;
- (b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;
- (c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order H.U. (30) between 1st April 1964 and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964, and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

- 13.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week,

the holiday may be allowed in two periods of consecutive working days ; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a holiday allowed to a worker under paragraph 11 or a day on which he does not normally work for the employer intervenes.
- (4) Where a holiday allowed to a worker under paragraph 11 immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2) (b) of paragraph 12.
- (5) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959: Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.
14. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR CUSTOMARY HOLIDAYS

- 15.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under paragraph 11 he shall be paid by the employer holiday remuneration equal to the statutory minimum remuneration to which he would have been entitled if the day had not been a day of holiday and he had been employed on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week :

Provided, however, that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) presents himself for employment at the usual starting hour on the first working day following the holiday.

- (2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the day on which the wages for the first working day following the holiday are paid.
- (3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which the wages are paid for the first working day following the holiday in lieu: Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

REMUNERATION FOR ANNUAL HOLIDAY

- 16.—(1) Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay-day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
17. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 18 of this Schedule or with Order H.U. (30)) in respect of employment during either or both of the periods referred to in paragraph 18, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period or periods, shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order H.U. (30).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker, without the consent of his employer, terminates his employment without having given not less than one week's notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

19. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

20. In this Schedule "APPRENTICE" has the meaning assigned to it in paragraph 6 and the following expressions have the meanings hereby assigned to them—

- "CHARGEHAND" means an operative hairdresser responsible to a manager or manageress, or to an employer performing the duties of a manager or a manageress, for the control and supervision of staff.
- "CLERK" or "RECEPTIONIST" means a worker who is wholly or mainly engaged in one or more of the following activities:—clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of a hairdressing undertaking or of a branch or department thereof; receiving customers or arranging customers' appointments.
- "FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.
- "HAIRDRESSING" and "HAIRDRESSING UNDERTAKING" have the meanings respectively assigned to them in paragraph 22.
- "LONDON AREA", "PROVINCIAL A AREA" and "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 21.
- "MANAGER" or "MANAGERESS" means a worker responsible to the employer for the conduct of a hairdressing undertaking, including supervision and training of staff, control of cash and records and care of equipment and premises.
- "MANICURIST" means a worker who is wholly or mainly engaged in manicuring.
- "MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or, if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.
- "NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 18 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

- (1) part of a day shall count as a day;
- (2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or, where the annual holiday is taken in more than one period, at the date of the first period) or at the termination date, as the case may be, for one week’s work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, that is to say:—

where the worker’s normal working week is six days	...	one-sixth
“ ” “ ” “ ”	five “	... one-fifth
“ ” “ ” “ ”	four “	... one-quarter
“ ” “ ” “ ”	three “	... one-third
“ ” “ ” “ ”	two “	... one-half
“ ” “ ” “ ”	one day	... the whole

“OPERATIVE HAIRDRESSER” means a worker, other than an apprentice, a manager or a manageress, who is wholly or mainly engaged in hairdressing.

“SALES ASSISTANT”, “CASHIER” or “CLERICAL ASSISTANT” means a worker (other than a clerk or receptionist) who is wholly or mainly engaged in one or more of the following activities:—the serving of customers making retail purchases of goods, receiving cash or giving change, clerical work.

“TIME-AND-A-QUARTER”, “TIME-AND-A-HALF” and “DOUBLE TIME” mean, respectively, one and a quarter times, one and a half times and twice the hourly rate obtained by dividing by 44 the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3 or 5.

“WEEK” means pay week.

“WEEKLY SHORT DAY” means that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o’clock in the afternoon, or—

(1) where the day falls on a customary holiday, a working day not being a customary holiday within the period of 21 days next ensuing, to be fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the said period of 21 days not being a customary holiday;

(2) where there is no such day, a working day in the week, not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week not being a customary holiday.

AREAS

21. In this Schedule :—

(1) "LONDON AREA" means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.

(2) "PROVINCIAL AREA" means

(a) In Scotland,

(i) the following burghs :—

ABERDEEN COUNTY Aberdeen (including part in Kincardine County) Fraserburgh Peterhead	DUNBARTON COUNTY Clydebank Dumbarton Helensburgh Kirkintilloch Milngavie	ORKNEY COUNTY Kirkwall
ANGUS COUNTY Arbroath Brechin Dundee Forfar Montrose	EAST LOTHIAN COUNTY North Berwick	PERTH COUNTY Perth
ARGYLL COUNTY Dunoon	FIFE COUNTY Buckhaven and Methil Burntisland Cowdenbeath Dunfermline Kirkcaldy Leven Lochgelly St. Andrews	RENFREW COUNTY Barrhead Gourock Greenock Johnstone Paisley Port Glasgow Renfrew
AYR COUNTY Ardrossan Ayr Irvine Kilmarnock Largs Prestwick Saltcoats Troon	INVERNESS COUNTY Inverness	ROSS AND CROMARTY COUNTY Stornoway
BANFF COUNTY Buckie	KINCARDINE COUNTY Stonehaven	ROXBURGH COUNTY Hawick
BUTE COUNTY Rothesay	LANARK COUNTY Airdrie Coatbridge Glasgow Hamilton Lanark Motherwell and Wishaw Rutherglen	SELKIRK COUNTY Galashiels
CLACKMANNAN COUNTY Alloa	MIDLOTHIAN COUNTY Dalkeith Edinburgh Musselburgh	STIRLING COUNTY Denny and Dumipace Falkirk Grangemouth Kilsyth Stirling
DUMFRIES COUNTY Dumfries	MORAY COUNTY Elgin	WEST LOTHIAN COUNTY Armadale Bathgate Bo'ness
		WIGTOWN COUNTY Stranraer
		ZETLAND COUNTY Lerwick

(ii) The following Special Lighting Districts, the boundaries of which have been defined, namely:—Vale of Leven and Renton in the County of Dunbarton; and Larbert in the County of Stirling; and

(iii) The following areas, the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely:—Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.

(b) In England and Wales, the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (3)(b) of this paragraph.

(3) "PROVINCIAL B AREA" means

(a) In Scotland, all areas other than those listed in (2)(a) of this paragraph;

(b) In England and Wales, all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE

Amphill
Sandy

BERKSHIRE

Wallingford
Wantage

BUCKINGHAMSHIRE

Buckingham
Linslade
Marlow
Newport Pagnell

CHESHIRE

Alsager
Longendale

CORNWALL

Bodmin
Bude Stratton
Fowey
Helston
Launceston
Liskeard
Looe
Lostwithiel
Padstow
Penryn
St. Just
Torpoint

DERBYSHIRE

Bakewell
Whaley Bridge
Wirksworth

DEVONSHIRE

Ashburton
Axminster
Buckfastleigh
Budleigh Salterton
Crediton

DEVONSHIRE—contd.

Dartmouth
Great Torrington
Holsworthy
Honiton
Kingsbridge
Lynton
Northam
Okehampton
Ottery St. Mary
Salcombe
Seaton
South Molton
Tavistock
Totnes

DORSETSHIRE

Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM

Barnard Castle
Tow Law

ELY, ISLE OF

Chatteris

ESSEX

Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE

Nailsworth
Tewkesbury

HEREFORDSHIRE

Bromyard
Kington
Ledbury

HERTFORDSHIRE

Baldock
Chorleywood
Royston
Sawbridgeworth
Stevenage

HUNTINGDONSHIRE

Godmanchester
Huntingdon
Ramsey
St. Ives
St. Neots

KENT

Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE

Carnforth
Grange

LINCOLNSHIRE (Parts of Kesteven)

Bourne

LINCOLNSHIRE (Parts of Lindsey)

Alford
Barton-upon-Humber
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

ENGLAND (excluding Monmouthshire)— <i>contd.</i>		
NORFOLK	SHROPSHIRE	SUSSEX
Cromer	Bishop's Castle	Arundel
Diss	Church Stretton	Burgess Hill
Downham Market	Ellesmere	Rye
New Hunstanton	Market Drayton	
North Walsham	Newport	WESTMORLAND
Sheringham	Wem	Appleby
Swoffham		The Lakes
Thetford	SOMERSETSHIRE	
Wells	Chard	WILTSHIRE
Wymondham	Crewkerne	Bradford-on-Avon
	Glastonbury	Calne
NORTHAMPTON- SHIRE	Ilminster	Malmesbury
Brackley	Portishead	Marlborough
Burton Latimer	Shepton Mallet	Melksham
Higham Ferrers	Street	Westbury
Oundle	Watchet	Wilton
	Wellington	
	SUFFOLK	WORCESTERSHIRE
NORTHUMBERLAND	Aldeburgh	Bewdley
Alnwick	Beccles	Droitwich
Amble	Bungay	
	Eye	YORKSHIRE
OXFORDSHIRE	Hadleigh	Hedon
Bicester	Halesworth	Hornsea
Chipping Norton	Haverhill	Malton
Thame	Leiston-cum-Sizewell	Norton
Woodstock	Saxmundham	Pickering
	Southwold	Richmond
RUTLANDSHIRE	Sudbury	Tickhill
Oakham	Stowmarket	Withernsea
	Woodbridge	
	WALES AND MONMOUTHSHIRE	
ANGLESEY	CARMARTHENSHIRE	MONMOUTHSHIRE
Amlwch	Cwmamman	Caerleon
Beaumaris	Kidwelly	Chepstow
Llangefni	Llandilo	Usk
Menai Bridge	Llandoverly	
	Newcastle Emlyn	MONTGOMERYSHIRE
BRECKNOCKSHIRE	DENBIGHSHIRE	Llanfyllin
Builth Wells	Llangollen	Llanidloes
Hay	Llanrwst	Machynlleth
Llanwrtyd	Ruthin	Montgomery
		Newtown and
CAERNARVONSHIRE	FLINTSHIRE	Llanllwchaïarn
Bethesda	Buckley	Welshpool
Bettws-y-Coed	Mold	PEMBROKESHIRE
Criccieth		Fishguard and
Llanfairfechan	GLAMORGANSHIRE	Goodwick
Penmaenwawr	Cowbridge	Narberth
Portmadoc		Neyland
Pwllheli	MERIONETHSHIRE	Tenby
	Bala	RADNORSHIRE
CARDIGANSHIRE	Barmouth	Knighton
Aberayron	Dolgelley	Llandrindod Wells
Cardigan	Towyn	Presteign
Lampeter		
New Quay		

(4) Any reference to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

22.—(1) Subject to the provisions of this paragraph and of paragraph 23, this Schedule applies to the workers in relation to whom the Hairdressing Undertakings Wages Council (Great Britain) operates, that is to say, workers specified in the Schedule to the Wages Council (Hairdressing Undertakings, Great Britain) Order 1947(a), namely:—

all workers employed in Great Britain in a hairdressing undertaking, in respect of their employment in such undertaking.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say

(a) workers who are employed exclusively as chiropodists ;

(b) workers employed in a department of a hairdressing undertaking being a department which is wholly or mainly engaged in the retail sale of goods (other than hairdressers' sundries) ;

(c) workers employed by an employer engaged in the production of cinematograph films on work in connection with such production ;

(d) registered members of the Institute of Trichologists (Incorporated) employed exclusively in their professional capacity as trichologists ;

(e) workers employed by a Regional Hospital Board or Board of Governors of a Teaching Hospital, while so employed.

(3) In this Schedule the following expressions have the meanings hereby assigned to them:—

“hairdressing undertaking” means an undertaking or any part of an undertaking which is wholly or mainly engaged in hairdressing, including operations incidental or ancillary thereto ;

“hairdressing” includes the following operations performed on hair growing on the head, face or neck of a male or female person, that is to say, lathering, shaving, cutting, singeing, shampooing, waving, setting, dressing, tinting, dyeing, bleaching and similar operations.

TRAINING UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

23. Notwithstanding anything hereinbefore contained, this Schedule does not apply to trainees during any period in respect of which they are in receipt of allowances as provided under the Government Vocational Training Scheme for resettlement training if they are trainees who have been placed by the Ministry of Labour with the employer for a period of approved training and if the requirements of the said Scheme are duly complied with.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 31st August 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Hairdressing) Order, 1962 (Order H.U. (30)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1947/1879 (Rev. XXIII, p. 437; 1947 I, p. 2474).

1964 No. 1133

AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy No. 2)
Order 1964**

Made - - - - - 21st July 1964
Coming into Operation 23rd July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5) and (6) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy No. 2) Order 1964 ; and shall come into operation on 23rd July 1964.

2.—(1) In this order—

“ the Principal Order ” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c) and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ; AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st July 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries
and Food.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706). (c) S.I. 1964/989 (1964 II, p. 2229).
(d) 52 & 53 Vict. c. 63.

SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
10.01	Imports of :— Any wheat, other than denatured wheat, for which a minimum import price level is pre- scribed	per ton £ s. d. 5 0

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which comes into operation on 23rd July 1964, fixes a rate of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of the specified commodity described in the Schedule to the order.

1964 No. 1137

DEFENCE

The Army Long Term Reserve Regulations 1964

<i>Made</i>	20th July 1964
<i>Coming into Operation</i>	20th July 1964

The Secretary of State in exercise of the powers conferred upon him by section 2(5) of the Navy, Army and Air Force Reserves Act 1964(a) and of all other powers enabling him in that behalf hereby makes the following regulations:—

Citation, Commencement and Interpretation

1.—(1) These regulations may be cited as the Army Long Term Reserve Regulations 1964 and shall come into operation on the 20th July 1964.

(2) In these regulations:—

“long term reservist” means a person liable to recall for service under the provisions of section 2 of the Navy, Army and Air Force Reserves Act 1964, whether by virtue of subsection (1) or by virtue of subsection (7) of that section;

“corps” and “regular forces” have the same meaning as in the Army Act 1955(b);

“record office” means the record office notified to a long term reservist as being the record office to which he should furnish the information which he is required by these regulations to furnish or if none has been so notified the record office of the corps in which he last served as a member of the regular forces.

(3) The Interpretation Act 1889(c) shall apply for the purpose of interpreting these regulations as it applies for the purpose of interpreting an Act of Parliament.

Information to be furnished without demand

2.—(1) A long term reservist shall notify the record office in writing of any change in his name or address within 14 days of the change occurring.

(2) A long term reservist shall notify the record office forthwith in writing if he leaves the United Kingdom otherwise than for a temporary visit not exceeding three months, or if after leaving the United Kingdom for a period exceeding three months, he returns to the United Kingdom.

(3) A long term reservist shall notify the record office if he is in his opinion physically unfit for further military service.

Information to be furnished on demand

3. On demand in writing addressed to a long term reservist by the record office, he shall within 14 days from the date on which he receives that demand or, if the demand was sent by registered post or the recorded

(a) 1964 c. 11.

(b) 3 & 4 Eliz. 2. c. 18.

(c) 52 & 53 Vict. c. 63.

delivery service to his latest address known at the record office, within 14 days from the date on which the demand would have reached that address in the ordinary course of post, whichever period shall first expire, give such of the following information as is specified in the demand—

- (a) his correct name and address ;
- (b) particulars of his employment and of his professional, technical and industrial qualifications ;
- (c) information as to his medical state ;
- (d) whether he has received any document specified in the demand and whether any such document is still in his possession.

Peter Thorneycroft.

Dated 20th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Army Long Term Reserve comprises soldiers who are made liable for recall to army service under section 2 of the Navy, Army and Air Force Reserves Act 1964. Under that section a long term reservist is also required to furnish such information as will enable a notice of recall to be served upon him. These Regulations specify the information which a long term reservist must give.

1964 No. 1138

EXCHANGE CONTROL

**The Exchange Control (Scheduled Territories) (Amendment)
Order 1964**

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	28th July 1964
<i>Coming into Operation</i>	29th July 1964

The Treasury, in exercise of the powers conferred upon them by sections 1(3)(b) and 36(5) of the Exchange Control Act 1947(a), hereby make the following Order:—

1. Schedule 1 to the Exchange Control Act 1947, as amended by the Exchange Control (Scheduled Territories) Order 1963(b), the Exchange Control (Scheduled Territories) (Amendment) Order 1963(c) and the Exchange Control (Scheduled Territories) (Amendment) (No. 2) Order 1963(d), shall be further amended by inserting after paragraph 13 the following paragraph:—

“ 13A. Malawi.”

2. This Order shall extend to the Channel Islands, and any reference in this Order to the Exchange Control Act 1947 includes a reference to that Act as extended by the Exchange Control (Channel Islands) Order 1947(e).

3. The Interpretation Act 1889(f) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. This Order may be cited as the Exchange Control (Scheduled Territories) (Amendment) Order 1964, and shall come into operation on the 29th July 1964.

21st July 1964.

M. A. Hamilton,

Martin McLaren,

Two of the Lords Commissioners
of Her Majesty's Treasury.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the list of scheduled territories contained in the First Schedule to the Exchange Control Act 1947, by the insertion of Malawi by name, previously included by definition.

(a) 10 & 11 Geo. 6. c. 14.

(b) S.I. 1963/1529 (1963 III, p. 2873).

(c) S.I. 1963/1964 (1963 III, p. 3830).

(d) S.I. 1963/2122 (1963 III, p. 4721).

(e) S.R. & O. 1947/2034 (Rev. VI, p. 1001; 1947 I, p. 660).

(f) 52 & 53 Vict. c. 63.

 STATUTORY INSTRUMENTS

1964 No. 1139

WEIGHTS AND MEASURES

The Weights and Measures (Abbreviations of Units of Measurement) Regulations 1964

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	28th July 1964
<i>Coming into Operation</i>	31st July 1965

The Board of Trade, in pursuance of the powers conferred upon them by section 14(1) of the Weights and Measures Act 1963(a), and all other powers enabling them in that behalf, hereby make the following Regulations :—

1.—(1) Save as is hereinafter provided, no abbreviation of, or symbol for, any unit of measurement included in column 1 of the Schedule hereto shall be used for trade in connection with the marking of an indication of quantity on a container required by any of the provisions of Schedules 4, 6, 7 or 8 of the Weights and Measures Act 1963 to be so marked.

(2) Each of the units of measurement set out in column 1 of the said Schedule may be used for trade in the abbreviated form set out in column 2 of that Schedule in relation to that unit.

2. The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

3. These Regulations may be cited as the Weights and Measures (Abbreviations of Units of Measurement) Regulations 1964, and shall come into operation on 31st July 1965.

21st July 1964.

David Price,
Parliamentary Secretary to
the Board of Trade.

SCHEDULE

ABBREVIATIONS OF UNITS OF MEASUREMENT FOR USE FOR TRADE

1. *Imperial system*

Column 1 Unit of measurement	Column 2 Abbreviation
yard	yd
foot	ft
inch	in
cubic inch	cu. in or cub. in
gallon	gal or gall
quart	qt
pint	pt
fluid ounce	fl. oz
hundredweight	cwt
quarter	qr
pound	lb
ounce	oz
dram	dr
grain	gr

2. *Metric system*

Column 1 Unit of measurement	Column 2 Abbreviation
metre	m
decimetre	dm
centimetre	cm
millimetre	mm
cubic centimetre	c.c. or cu. cm
litre	l or lit
decilitre	dl
centilitre	cl
millilitre	ml
kilogramme	kg or kilo or kilog or kilogram
gramme	g or grm or gram
milligramme	mg or milligram

3. The letter "s" may (but need not) be added to an abbreviation to denote the plural.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which come into operation on the 31st July 1965, prescribe the abbreviations of units of measurement which may be used for trade in connection with the marking of an indication of quantity on a container which is required by the Weights and Measures Act 1963 to be so marked. Insofar as they relate to food, they will replace the corresponding provisions of the Pre-Packed Food (Weights and Measures: Marking) Regulations 1957 (S.I. 1957/1880), which lapse on 31st July 1965.

1964 No. 1140

WEIGHTS AND MEASURES**The Weights and Measures (Marking) Regulations 1964**

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	28th July 1964
<i>Coming into Operation</i>	31st July 1965

The Board of Trade, in pursuance of the powers conferred upon them by section 21(4) of the Weights and Measures Act 1963(a) and all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) Subject to paragraphs (2) and (3) of this regulation, any container required by any of the provisions of Schedules 4, 6, 7 or 8 of the Weights and Measures Act 1963 to be marked with an indication of quantity, shall be so marked in the manner prescribed in these Regulations.

(2) Before 31st July 1966, nothing in these Regulations shall apply to the manner of marking any container which left the premises at which it was filled or otherwise made up for sale before 31st July 1965.

(3) Nothing in regulations 2(2), 3(2) or 3(3) of these Regulations shall apply to the manner of marking any container of food.

2.—(1) The indication of quantity shall be marked in a prominent position on the container where it can be easily read and it shall not be obscured by any stamp, sticker, outer wrapper or in any other way.

(2) The indication of quantity may be marked on the base of the container only if there is no wording visible elsewhere on or through the outside of the container.

(3) Where the indication of quantity is not written on the container or on a label securely attached to the container, it must be so placed that it cannot be removed without opening some part of the container.

3.—(1) The indication of quantity shall be clear, legible and conspicuous.

(2) The indication of quantity shall be marked in characters which are not less than the size specified in the Schedule to these Regulations, being the size appropriate to the size of the container:

Provided that, in the case of a fraction expressed in figures, the whole fraction, and not the individual figures comprising it, shall be deemed to be a character for the purposes of this provision.

(3) Fractions shall be distinct from any whole number with which they are associated and, if expressed in figures, shall not be written thus: 1-2.

4.—(1) Subject to paragraphs (2) and (3) of this regulation, the indication of quantity shall be marked upon a plain background and in a colour which is in distinct and conspicuous contrast thereto:

Provided that, where by reason of the transparency of the container, the contents thereof are visible, the said contents shall be deemed to be the background for the purposes of this provision.

(2) Nothing in paragraph (1) of this regulation shall apply to the manner of marking the indication of quantity on an open-topped container of solid fuel on which the indication of quantity is marked on a tablet of metal or other durable material which is securely attached to the container.

(3) Nothing in paragraph (1) of this regulation shall prevent the indication of quantity from being marked in characters embossed in high or low relief, whether or not such characters are in contrast to the background, where the container bears no wording in a colour which contrasts with the background on which it is written:

Provided that:—

- (i) any wording on a stopper, lid or other closure which does not exceed two inches in length, breadth or diameter, as the case may be, shall not be taken into account for the purposes of this provision ;
- (ii) before 31st July 1967, the indication of quantity may be marked in characters embossed in high or low relief, whether or not the container bears wording in colour which contrasts with the background on which it is written.

5.—(1) An indication of quantity by gross weight shall include the words “gross”, “gross weight”, “including container” or some other expression having the same effect.

(2) Where the words “net” or “gross” are incorporated in the indication of quantity, they shall not be written in an abbreviated form.

6.—(1) Subject to paragraph (2) of this regulation, the indication of quantity shall be marked in terms of imperial units or of imperial and metric units.

(2) Nothing in paragraph (1) of this regulation shall prevent the marking in metric units only of any container of perfumery or toilet preparations, other than soap.

(3) Where the indication of quantity is marked in terms of imperial and metric units, the indication in terms of metric units shall be placed in close proximity to, but shall be distinct from, the indication in terms of imperial units.

7. No quantity in excess of :—

- (a) 1 pound shall be expressed wholly in terms of ounces ;
- (b) 1 ounce shall be expressed wholly in terms of drams ;
- (c) 1 quart shall be expressed wholly in terms of fluid ounces.

8. The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

9. These Regulations may be cited as the Weights and Measures (Marking) Regulations 1964, and shall come into operation on 31st July 1965.

21st July 1964.

David Price,
Parliamentary Secretary to
the Board of Trade.

SCHEDULE

MINIMUM SIZE OF CHARACTERS CONSTITUTING THE INDICATION OF QUANTITY

1. In cases other than those covered by paragraph 2 of this Schedule :—

Greatest dimension of container	Minimum height of characters
Not exceeding 2 inches	$\frac{1}{16}$ inch
Exceeding 2 inches but not exceeding 12 inches.	$\frac{3}{32}$ inch
Exceeding 12 inches but not exceeding 18 inches.	$\frac{5}{32}$ inch
Exceeding 18 inches but not exceeding 24 inches.	$\frac{5}{16}$ inch
Exceeding 24 inches	$\frac{1}{4}$ inch

2. Where the indication of quantity on an open-topped container of solid fuel is marked on a tablet of metal or other durable material which is securely attached to the container, the characters used to denote the number of the units shall be not less than $\frac{1}{4}$ inch in height, and any other characters shall be not less than $\frac{1}{8}$ inch in height, irrespective of the size of the container.

3. In this Schedule, the expression "greatest dimension of container" shall mean the height, length or breadth, whichever is the greatest, of a rectilinear or approximately rectilinear container, or the height or maximum diameter, whichever is the greater, of a container with a curvilinear or approximately curvilinear cross-section.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the manner in which indications of quantity are to be marked on containers which are required to be so marked by the Weights and Measures Act 1963. Insofar as they relate to food, they will replace the corresponding provisions of the Pre-Packed Food (Weights and Measures: Marking) Regulations 1957 (S.I. 1957/1880), which lapse on 31st July 1965.

1964 No. 1141 (S. 75)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 2) 1964

Made - - - - - 21st July 1964
 Coming into Operation 21st July 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a), section 160(3) of the Representation of the People Act 1949(b) and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. The Rules of Court(c) shall be amended by deleting Rules 300 to 336 both inclusive and by substituting therefor the Rules set forth in Schedule 1 hereto.

2. The Forms appended to the Rules of Court(c) shall be amended by deleting forms 35 to 40 and substituting therefor the Forms set forth in Schedule 2 hereto.

3. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 2) 1964, and shall come into operation on 21st July 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
 I.P.D.

Edinburgh.

21st July 1964.

SCHEDULE 1

300. Presentation of petition.—(a) The presentation of a parliamentary election petition shall be made by lodging it in the Petition Department together with a process and ten full copies of the petition.

(b) On receipt of said Petition a copy thereof shall be sent by the Deputy Principal Clerk of Session to the returning officer of the constituency to which said Petition relates.

301. Form of petition.—(a) A parliamentary election petition shall be as nearly as possible in the form shown in Form 35.

(b) A parliamentary election petition shall specify the names and designations of the petitioner or petitioners and of the person or persons referred to as,

(a) 23 & 24 Geo. 5. c. 41.

(b) 12 & 13 Geo. 6. c. 68.

(c) S.I. 1948/1691 (1948 I, p. 3778).

or deemed to be, the respondent or respondents in terms of section 108(2) of the Representation of the People Act 1949, in this section called "the Act", and shall set forth articulately in numbered paragraphs:—

- (i) The right of the petitioners within section 108(1) of the Act:
- (ii) The proceedings at and the result of the election ; and
- (iii) The facts relied on in support of the prayer of the petition.

302. Notice of solicitor's name and address for notices.—(a) Along with the petition there shall be lodged in the Petition Department a writing signed by or on behalf of the petitioner giving the name of an enrolled solicitor whom he authorises to act on his behalf, or stating that he acts for himself, as the case may be, and in either case giving an address within three miles of the General Post Office, Edinburgh at which notices addressed to him may be delivered.

(b) The Deputy Principal Clerk of Session shall keep a book at his office, in which he shall enter all addresses and the names of solicitors given under the preceding paragraph of this Rule.

303. Caution for expenses.—In the event of the security to be given by the petitioners in terms of section 119 of the Act being in whole or in part by bond of caution, the bond of caution as required by the Act shall be as nearly as may be in the form shown in Form 37 and shall, within three days of presentation of the petition, be lodged with the Deputy Principal Clerk of Session.

304. Deposit in security.—In the event of the required security being in whole or in part by a deposit of money, such money shall be placed on deposit receipt with one of the joint stock Banks in Scotland in name of the Accountant of Court, and the deposit receipt therefor shall, within three days of presentation of the petition, be lodged in process and shall be retained as a security for the purpose for which security is required by the Act.

305. Sufficiency of caution.—When security is tendered in the form of a bond of caution lodged as aforesaid, the sufficiency thereof shall be attested to the satisfaction of the Deputy Principal Clerk of Session.

306. Service of petition.—The petitioner if he acts for himself or the solicitor for the petitioner shall within five days of the presentation of the petition serve on the respondent a notice of the presentation of the petition, a notice of the nature of the proposed security, and a copy of the petition and shall within five days thereafter lodge in process a copy of the petition with execution of service thereon in the form as nearly as may be *mutatis mutandis* of the form of execution of service of a summons, and with a copy of the notice of the presentation of the petition and of the nature of the proposed security appended thereto.

307. Objections to security.—(a) The time within which the respondent may object to any bond of caution in terms of section 119(4) of the Act shall be five days after service of the notice of the proposed security.

(b) The objection shall be lodged in the Petition Department, and shall set forth in writing the specific ground or grounds thereof.

(c) When the petitioner has named a solicitor or given an address in terms of Rule 302, the respondent shall deliver a copy of the objection to the solicitor or send the same by post to the address given, so that it shall be received by the solicitor or delivered at the address on or before the date of lodging the objection.

308. Diet for hearing on objections to security.—As soon as possible after the lodging of the objection, the Deputy Principal Clerk of Session shall fix a diet for the hearing thereof and shall give notice of the time and place of the diet to the parties or their Solicitors.

309. Hearing on objections.—(a) At the diet for the hearing of the objection the Deputy Principal Clerk of Session shall hear the submissions of any parties who shall be present or represented by counsel or solicitors and shall forthwith allow or disallow the objection.

(b) If the objection shall be allowed, the Deputy Principal Clerk of Session shall, in his deliverance to that effect, state the amount of deposit or additional deposit required to make the security sufficient.

(c) the time within which the petitioner may remove the objection by a deposit of money shall be five days from the date of the deliverance of the Deputy Principal Clerk of Session; provided that within the said time the petitioner may mark an appeal to one of the judges on the rota for the trial of parliamentary election petitions, or to the Vacation Judge, in which case the said period shall run from the date of the deliverance of that judge.

310. List of election petitions.—(a) In preparing the list of parliamentary election petitions in terms of section 121(1) of the Act, the Deputy Principal Clerk of Session shall insert the names of the solicitors (if any) acting for the petitioners and respondents, and the addresses (if any) to which notices may be sent.

(b) The list of parliamentary election petitions may be inspected at the Petition Department at any time during office hours.

311. Time and place of trial.—The time and place of the trial of a parliamentary election petition shall be fixed by one of the judges on the rota for the trial of parliamentary election petitions or the Vacation Judge, and the Deputy Principal Clerk of Session shall intimate the diet of trial by post to the parties and to the returning officer, at least fifteen days before the day appointed for the trial; and the returning officer shall forthwith publish the same in the county, or burgh or burghs to which it relates.

312. Interlocutory matters.—All interlocutory questions and matters, except as otherwise provided in the Act or by these Rules, shall be made upon motion and intimated to the other party or parties.

313. Procedure where seat claimed.—(a) When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of and the party defending the election or return shall, at least six days before the day appointed for the trial, respectively lodge in process a list of the voters intended to be objected to, and of the objections to each such voter, and shall send a copy of that list to the other party or parties to the petition.

(b) No evidence shall be allowed to be given against any vote or in support of any objection which is not specified in the list, except by leave of the Election Court or, on motion heard before the date of the trial, of any of the judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of expenses as may be ordered.

314. Evidence of undue return under section 122(5) of the Act.—(a) On the trial of a petition complaining of an undue return, and claiming the seat for some person, when a respondent intends to give evidence to prove that the election of such person was undue, under authority of section 122(5) of the Act, such respondent shall, at least six days before the day appointed for the trial, lodge in process a list of the objections to the election upon which he intends to rely, and shall send a copy of that list to the other party or parties to the petition.

(b) No evidence shall be allowed to be given by or for a respondent in support of any objection to the election not specified in the list, except by leave of the Election Court or, on motion heard before the date of the trial, of any of the judges, upon such terms as to amendment of the list, postponement of the enquiry, and payment of expenses, as may be ordered.

315. Postponement of trial.—(a) It shall be competent for the Election Court or any of the judges on the rota for the trial of parliamentary election petitions, on special cause shown by a party to the petition or *ex proprio motu*, to postpone the trial of a petition to such day as he may name.

(b) Notice of such postponement shall be sent by the Deputy Principal Clerk of Session to the returning officer who shall forthwith publish the same within the constituency.

316. Statement of particulars.—Any party to the petition may, at least six days before the day appointed for the trial, lodge in process a statement of the matters upon which he intends to lead evidence; provided that a copy of such statement shall first have been sent to the other party or parties to the petition.

317. Evidence at trial.—No evidence shall be received at the trial except as to matters contained in the lists referred to Rules 313 and 314 and the statements referred to in Rule 316, if any, and tending to support or rebut the same, or matters which have already been sufficiently set forth in the petition, except by leave of the Court or one of the judges, and upon such conditions as to postponement of the trial, payment of expenses, and otherwise, as may be ordered; provided that the admissibility of any evidence sought to be led on the above matters shall be within the discretion of the Election Court.

318. Warrant to cite witnesses.—The warrant for the citation of witnesses to the trial of any election petition shall be issued on the motion of any party to the trial, and shall be as nearly as may be in the form shown in Form 38.

319. Expenses of witnesses.—The reasonable expenses of any witness shall be ascertained by the clerk of court, and upon a certificate under his hand allowing the same, the said expenses shall, in the first instance, be paid by the party adducing such witness.

320. Clerk of Court at trial.—At any Election Court held for the trial of a parliamentary election petition, an officer to be named by the Principal Clerk of Session with the sanction of the Court, shall attend and discharge the duties of clerk of court, in like manner and to the like effect as the clerks of the Circuit Courts of Justiciary, and shall, subject to the direction and orders of the presiding judge, keep a record of the proceedings at the trial, which shall be conducted in like manner as trials are conducted in the Circuit Courts of Justiciary; and the record of the proceedings at the trial shall be transmitted by that officer to the office of the Principal Clerk of Session.

321. Application to state special case.—(a) The application to state a special case, as provided in section 126(1) of the Act, shall be made by motion to either Division of the Inner House, or to the Vacation Judge.

(b) Parties shall be given an opportunity to be heard on the said motion, and the application shall be disposed of either by allowing adjustment of a special case or by refusal of the application.

322. Opinion of Court under section 126(2) of the Act.—If it shall appear to the Election Court to be expedient that the opinion of the Court should be obtained, as provided for by section 126(2) of the Act, the question or questions to be submitted to the Court shall be set forth in a case adjusted by the Election Court.

323. Notice of application for leave to withdraw.—(a) The notice of the intention to withdraw an election petition in terms of section 127 of the Act shall be as nearly as may be in the form shown in Form 40.

(b) A copy of the notice shall be sent by the petitioner to the respondent and to the returning officer who shall publish it in the county, or burgh or burghs to which it relates, and the petitioner shall advertise the notice in at least one newspaper circulating in the constituency.

324. Leave to withdraw petition.—The application for leave to withdraw a petition shall be as nearly as may be in the form shown in Form 39, shall state the ground on which the application for withdrawal is intended to be supported, shall be signed by the person making the application and by the consenters, if any, or by their respective solicitors, and shall be lodged in process.

325. Application to be substituted as petitioner on withdrawal.—Any person who might have been petitioner in respect of the election to which the petition relates may, within five days after notice of intention to withdraw is published by the returning officer, give notice in writing, signed by him or on his behalf,

to the Deputy Principal Clerk of Session of his intention to apply at the hearing to be substituted for the petitioner ; provided that any informality in such notice shall not defeat such application if in fact made at the hearing, subject to such order as to postponement of the hearing and as to expenses as the Court shall think just.

326. Security of substituted petitioner.—(a) The time within which security shall be given on behalf of a substituted petitioner before he proceeds with his petition shall be five days after the order of substitution.

(b) The substituted petitioner shall lodge the writing referred to in Rule 302(a) within five days after the order of substitution.

327. Hearing of application for leave to withdraw.—The time and place for hearing the application shall be fixed by one of the judges, or by the Vacation Judge, who shall hear and determine the same, unless he shall deem it expedient that the same shall be heard and determined by one of the Divisions of the Inner House ; provided that the time fixed for the hearing shall be not less than a week after any notice of intention to apply shall have been given to the Deputy Principal Clerk of Session in terms of Rule 325, and in the event of such notice having been given the Deputy Principal Clerk of Session shall inform the applicant to be substituted as petitioner, or his solicitor, of the time and place of the hearing.

328. Death of petitioner.—In the event of the death of the petitioner or the surviving petitioner, notice thereof under section 133(3) of the Act shall be given and advertised by the solicitor (if any) formerly acting for the petitioner, or by the respondent or returning officer or other person interested to whose knowledge the death of the petitioner shall come, in like manner *mutatis mutandis* as notice of intention to withdraw a petition, and shall be published in the manner provided in Rule 323.

329. Application to be substituted on death of petitioner.—Any application to be substituted as a petitioner in the event of the death of the petitioner or the surviving petitioner shall be made within one calendar month of the notice given in terms of the last foregoing Rule, and shall be made by motion.

330. Notice that respondent does not oppose.—A respondent other than a returning officer may give notice that he does not intend to oppose the petition in terms of section 134(1)(a) of the Act by lodging in process not less than six days before the day appointed for the trial, a notice thereof signed by that respondent : and upon leaving such notice he shall forthwith send a copy thereof by post to the petitioner or his solicitor, and to the returning officer, who shall cause the same to be published in the county, or burgh or burghs to which it relates, and the trial of the petition shall thereupon be postponed.

331. Death of respondent.—If the respondent dies, or is summoned to Parliament as a peer of Great Britain, or if the House of Commons have resolved that his seat is vacant, any person entitled to be a petitioner under the Act in respect of the election to which the petition relates, may, under section 134 of the Act, give notice of the fact in the county, or burgh or burghs to which it relates, by causing such notice to be published in at least one newspaper circulating therein, and by sending a copy of such notice, signed by him or on his behalf, to the returning officer and a like copy to the Deputy Principal Clerk of Session.

332. Application to be admitted as respondent.—The time within which a person may apply to be admitted as a respondent in terms of section 134 of the Act shall be ten days after notice is given under Rule 331, or such further time as the Court may allow.

333. Expenses in proceedings under the Act.—When any expenses are awarded in the course of proceedings under the Act, the award of the same shall be deemed equivalent to a finding of expenses in the Court of Session ; and the account thereof, when lodged, shall be taxed by the Auditor of Court and the taxed amount shall be decreed for by the Election Court or one of the judges.

334. Proceedings not vitiated by objection of form.—No proceeding under the Act shall be affected or defeated by any objection of mere form.

SCHEDULE 2

FORM 35

Form of Parliamentary Election Petition
Representation of the People Act 1949Election for (*state place*) held on the day of 19 .Petition
ofA. (*name and designation*) or A., B., and C. (*names and designations*)
whose name is (*or names are*) subscribed hereto,

against

D. (*name and designation*), as the member whose election or return is
complained of, (and E. as the returning officer, *as the case may be*),
Respondent(s).

Humbly sheweth,—

1. That the first named petitioner voted (*or had a right to vote, as the case may be*) as an elector at the above election (*or claims to have had a right to be elected or returned at the above election, or was a candidate at the above election, as the case may be*). The second named petitioner (*here state in like manner the right of each petitioner*).

2. That the said election was held on the day of 19 , when A.B. and C.D. (*name them*) were candidates, and the Returning Officer has returned A.B. (*name*) as being duly elected.

3. That (*state the facts on which the petitioners rely*). May it Therefore please the Court to determine that the said A.B. was not duly elected or returned, and that the election was void (*or that the said C.D. was duly elected and ought to have been returned, as the case may be*).

According To Justice, &c.

FORM 36

Form of Notice of the presentation of an Election Petition and of the
nature of the proposed security

Representation of the People Act 1949

Take notice that under the Representation of the People Act 1949 and the Rules of Court, a Petition has been presented to the Petition Department of the Court of Session touching the election of a member of Parliament for the (*place*), of which petition the foregoing is a full copy, and that you are named therein as a respondent: and Take notice that the security which has been given in terms of section 119 of the above Act is in the form of a bond of caution to the amount of £1,000 (*or as the case may be*) granted by A.B. and C.D. (*names and designations*) or by a deposit of £ in the (*state name of Bank*). If you desire to object to the above bond of caution in terms of section 119(4) of the above Act, you may do so within five days of the date hereof by lodging the objection in writing in the Petition Department of the Court of Session and sending or delivering a full copy of the same to me at the following address (*address within 3 miles of the General Post Office, Edinburgh*). (*Delete the last foregoing sentence if the deposit is wholly by deposit of money*).

FORM 37

Form of Bond of Caution in Election Petition

Representation of the People Act 1949

We, A.B. and C.D. (*names and designations*), considering that a petition has been presented by E.F., complaining of an undue return (*or undue election as the case may be*) of G.H. as a member to serve in Parliament for the county of (*or burgh of*) (*or district of burghs*) upon the day of 19 , and that by section 119 of the Representation of the People

Act 1949 it is provided that security for the payment of all costs, charges, and expenses that may become payable by the petitioner in terms of the said Act, shall, on presentation of such petition, be given on behalf of the petitioners to the amount of £1,000; and that by the rules of the Court of Session for the trial of election petitions under the said Act, it is prescribed that the security so to be given on behalf of the petitioners may be by lodging a bond of caution, in terms of the said Act; and seeing that we, the said parties, are willing to grant such bond, therefore we, the said parties, as cautioners, sureties, and full debtors for and with the said E.F., petitioner, do hereby bind and oblige ourselves, conjunctly and severally, and our respective heirs, executors and successors whomsoever, that the said E.F., petitioner shall make payment of all costs, charges and expenses that may become payable by him to any person or persons, by virtue of any decree to be pronounced in the said petition; and that to the amount of £1,000 sterling, with one-fifth part more of liquidate penalty in case of failure; and we consent to the registration hereof for execution. In witness whereof, etc.

FORM 38

Form of Warrant to cite witnesses in Election Petition
Representation of the People Act 1949

(Place and date)

Having considered the motion for the Petitioner (or Respondent), grants warrant to all officers of the law for citing *(name them)* to attend the Court, for the trial of the election petition to be held at within *(name court-house)* on the _____ day of _____ 19____, at _____ o'clock forenoon (or forthwith, *as the case may be*), to be severally examined as witnesses in the manner of the said petition, and to attend the said Court until their examination shall have been completed.

(Signed)

Judge of the said Court.

FORM 39

Form of Application for leave to withdraw Election Petition
Representation of the People Act 1949

County (or burgh or district of burghs) of _____ Petition of _____
presented on the _____ day of _____ 19____.

The petitioners (or the petitioner A.B. *(name)*) with the consent of the petitioners C.D. and E.F. *(names)* (or *as the case may be*) apply for leave to withdraw their petition on the following grounds *(state grounds)*, and pray that a day may be appointed for hearing their application.

Dated the _____ day of _____ 19____.

(To be signed by the applicants and consenters, if any or their respective solicitors, who shall each append to their signature a statement of whether they sign as or on behalf of an applicant or a consenter.)

FORM 40

Form of Notice of proposed withdrawal of Election Petition
Representation of the People Act 1949

In the election petition for _____ in which _____ petitioner and
is respondent.

Notice is hereby given that the above petitioner has, on the _____ day of _____ 19____, lodged at the office of the Deputy Principal Clerk of Session notice of application to withdraw his petition, of which the following is a copy:—(Set it out). And take notice, that by the Act and Rules of Court, any person who might have been a petitioner, in respect of the said election, may, within five days after the said notice, give notice in writing of his intention on the hearing, to apply for leave to be substituted as a petitioner.

(Signed by the Petitioner or his Solicitor.)

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt amends the Rules of Court by deleting the Rules which sometime related to proceedings under the Parliamentary Elections Act 1868, and by substituting therefor Rules relating to proceedings under Part III of the Representation of the People Act 1949. It also provides new forms relating to Election Petitions.

1964 No. 1142 (S. 76)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Fees of Messengers at Arms) 1964

Made - - - - - 21st July 1964
 Coming into Operation 3rd August 1964

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 6 of the Execution of Diligence (Scotland) Act 1926(a), section 16 of the Administration of Justice (Scotland) Act 1933(b), and of all other powers competent to them in that behalf, do hereby, with the concurrence of the Lord Lyon King of Arms, enact as follows:

1. From and after the 3rd day of August 1964 the fees in civil business exigible by Messengers at Arms shall be those prescribed in the Schedule hereto.

2. From and after the 3rd day of August 1964 the fees prescribed in the Schedule to the Act of Sederunt (Fees of Messengers at Arms) 1960, dated 22nd March 1960(c), shall no longer apply.

3. This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers at Arms) 1964, and shall come into operation on 3rd August 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
 I.P.D.

Edinburgh.

21st July 1964.

SCHEDULE

TABLE OF FEES IN CIVIL BUSINESS FOR MESSENGERS-AT-ARMS

	<i>Fee</i>
	£ s. d.
Executing Summonses, including Delivery Copy, Writing Citation and Execution and returning same	0 14 0
If more than one Defender—and in the same dwelling-house	0 6 8
If in separate dwelling-houses—each other copy	0 10 0
If furth of the Kingdom—first copy	0 14 0
If furth of the Kingdom—each other copy	0 6 8
Executing Charge on Extract Decree, Protest, Letters of Horning, Bond and other Diligence, and framing any of the above, each copy	1 0 0
Executing Arrestments on Summonses, Letters of Arrestment, Decrees, and other Diligence	1 0 0

(a) 16 & 17 Geo. 5. c. 16. (b) 23 & 24 Geo. 5. c. 41. (c) S.I. 1960/691 (1960 L. p. 823).

	Fee		
	£	s.	d.
Executing Inhibitions—			
First copy	2	0	8
Each other copy to parties	1	0	0
Citing each Witness	0	14	0
In addition to the above charges, when Schedule and also Execution exceeds 300 words, then for every additional 300 words or part thereof	0	4	8
Searching for, apprehending and imprisoning a debtor	4	4	0
Each assistant	0	14	0
Taking prisoner from Prison to Court-House for examination	2	18	0
Detention with Debtor with a view to settlement or in carrying him to prison			
For the first hour—Messenger	0	14	0
For the first hour—Assistant	0	6	8
Each additional hour or part thereof—			
Messenger	0	14	0
Assistant	0	6	8
Arresting Vessels of every Class and Description	4	4	0
Each Assistant	0	6	8
Dismantling Vessels lying in harbour, besides Assistants, Carpenters, Engineers, and Sailors, when necessary	5	12	0
Poundings			
Where the appraised value does not exceed £10	1	8	0
Exceeds £10 but does not exceed £20	2	0	8
Exceeds £20 but does not exceed £30	2	10	0
Exceeds £30 but does not exceed £50	3	16	8
Exceeds £50 but does not exceed £70	4	3	4
Exceeds £70 but does not exceed £100	5	3	4
Exceeds £100 but does not exceed £150	7	0	0
Exceeds £150 but does not exceed £200	8	8	0
Exceeds £200 then at the rate of £1 8s. 0d. for each additional £50 or part thereof.			
Each Appraiser			
Where the appraised value does not exceed £10	0	6	8
Exceeds £10 but does not exceed £20	0	8	0
Exceeds £20 but does not exceed £30	0	9	4
Exceeds £30 but does not exceed £50	0	13	4
Exceeds £50 but does not exceed £70	0	16	8
Exceeds £70 but does not exceed £100	1	0	0
Exceeds £100 but does not exceed £150	1	3	4
Exceeds £150 but does not exceed £200	1	6	8
Exceeds £200 then at the rate of £0 10s. 8d. for each additional £50 or part thereof.			
Extending Schedule and Execution, per sheet	0	4	8
Travelling			
Each mile or part thereof from			
Messenger's Office—Messenger	0	3	0
Assistants or Witnesses, each	0	2	0
Miscellaneous			
Writing necessary letters to employers remitting money recovered, reporting state of diligence, etc.	0	4	8
Sales			
As in Table of Fees for Sheriff Officers			

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt prescribes a new Table of Fees exigible by Messengers at Arms in civil business.

1964 No. 1143 (S. 77)

SHERIFF COURT, SCOTLAND**Act of Sederunt (Confirmation of Executors) 1964***Made - - - - - 21st July 1964**Coming into Operation 10th September 1964*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 18 of the Confirmation of Executors (Scotland) Act 1858(a), section 16 of the Sheriff Courts and Legal Officers (Scotland) Act 1927(b), section 34 of the Administration of Justice (Scotland) Act 1933(c), section 22 of the Succession (Scotland) Act 1964(d), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. The inventory embodied in or appended to the confirmation of an executor, or embodied in or appended to the eik to the confirmation of an executor, shall include such a description, including a description by reference, as is acceptable by present law and practice for a conveyance of lands or of an estate in land (including a lease), of any heritable property, as well as any heritable property in which the deceased person had an interest, forming part of the estate of the deceased person and falling to be administered under the law of Scotland.

2.—(1) A note or statement of any property which the executors of a deceased trustee or executor seek to have transmitted to them, appended to the inventory or additional inventory of the estate of the deceased trustee or executor in terms of section 6 of the Executors (Scotland) Act 1900(e), shall include

- (a) a reference to the deed, confirmation or other document whereby any property referred to in the note or statement and not standing or invested in the name of such deceased trustee or executor or to which he had not completed title, became vested in him, and
- (b) a description such as is prescribed by section 1 hereof of any heritable property or interest therein referred to in the note or statement.

(2) A note or statement of any property which the executors of a deceased trustee or executor competently seek to have transmitted to them, appended to the inventory or additional inventory of the estate of the deceased trustee or executor in terms of section 6 of the Executors (Scotland) Act 1900(e), shall be referred to in the confirmation of those executors.

3.—(1) The Act of Sederunt entitled “ Act of Sederunt for preventing Irregularities in the making of Extracts of Decrees, and giving them forth prematurely to the Parties ” dated 6th March 1829, shall no longer apply to extracts of decrees-dative in commissary proceedings.

(a) 21 & 22 Vict. c. 56.

(c) 23 & 24 Geo. 5. c. 41.

(d) 1964 c. 41.

(b) 17 & 18 Geo. 5. c. 35.

(e) 63 & 64 Vict. c. 55.

(2) Extracts of decrees-dative in commissary petitions shall be as nearly as may be in the form set forth in Schedule 1 hereto.

4. The Act of Sederunt of 3rd February 1933(a) shall be amended as follows:—

(1) In Schedule B,

(a) in the heading of the Inventory of estate, by deleting the words “pertaining and”, and by substituting therefor the words “belonging, pertaining or”.

(b) by deleting the word “Personal” wherever it occurs.

(c) in the clause commencing “and Gives and Commits”, by deleting the words “to uplift, receive, administer and dispose of the said Estate and Effects”, and by substituting therefor the words “as appropriate to take possession of, make up title to, uplift or receive the said Estate and Effects, administer and dispose of the same”.

(2) In Schedule C,

(a) in the heading of the Inventory of estate, by deleting the words “pertaining and”, and by substituting therefor the words “belonging, pertaining or”.

(b) by deleting the word “Personal” wherever it occurs.

(c) in the clause commencing “and Gives and Commits”, by deleting the words “to uplift, receive, administer and dispose of the said Estate and Effects contained in the foresaid Corrective or Additional Inventory”, and by substituting therefor the words “as appropriate to take possession of, make up title to, uplift or receive the said Estate and Effects contained in the foresaid Corrective or Additional Inventory, administer and dispose of the same.”.

5. A certificate in the form set out in Schedule D to the Act of Sederunt of 3rd February 1933(a) may be issued in terms of section 3 of that Act of Sederunt in respect of any item of moveable or heritable property, or interest therein, in Scotland.

6.—(1) The form of petition for the appointment of an executor to a deceased person shall be as nearly as may be in the form set forth in Schedule 2 hereto.

(2) The Confirmation of Executors (Scotland) Act 1858(b) shall be amended as follows:—

(a) In section 2, by deleting the words “shall be in the form as nearly as may be of the schedule (A) hereunto annexed, and”.

(b) In section 3, by deleting the words “personal or moveable”.

(c) In sections 5, 8 and 11, by deleting the word “personal” where it occurs in each section.

(3) Schedule A to the Confirmation of Executors (Scotland) Act 1858 is hereby repealed.

7. The Codifying Act of Sederunt dated 4th June 1913(c) shall be amended by deleting the word “personal” where it first occurs in section 5 of Book L Chapter V thereof.

(a) S.R. & O. 1933/48 (Rev. XX, p. 829; 1933, p. 1784).

(b) 21 & 22 Vict. c. 56.

(c) S.R. & O. 1913/638 (Rev. XX, p. 776; 1913, p. 2013).

8. This Act of Sederunt may be cited as the Act of Sederunt (Confirmation of Executors) 1964, and shall come into operation on 10th September 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh.
21st July 1964.

SCHEDULES

SCHEDULE 1

Form of an extract of a decree-dative in a commissary petition
Commissariat of Edinburgh

or

Sheriffdom of _____ at _____
At _____ the _____ day of _____ Nineteen
hundred and _____ SITTING IN JUDGMENT,
Esquire, Sheriff Substitute of the Sheriffdom of _____
in a Petition before the Sheriff Court of the said Sheriffdom
at _____, at the instance of A.B. (*design him*), Pursuer, only
child (*or state what other relationship, character or title the pursuer has, giving
him right to apply for the appointment of executor*) of the deceased C.D. (*design
him*) who died at _____ on the _____ day of
Nineteen hundred and _____ and had at the time of
his death his ordinary or principal domicile in the County of _____ (*or as
the case may be*), for his decerniture as Executor-dative to the said deceased;
the said Sheriff Substitute DECERNED, and hereby DECERNS, the said A.B.
Executor-dative *qua* next of kin (*or as the case may be*) to the said deceased
C.D. Extracted at _____ this _____ day of
Nineteen hundred and _____ by me Commissary Clerk (*or* Sheriff
Clerk of _____, *or as the case may be*).

(Signed) E.F.

Commissary Clerk (*or as
the case may be*).

SCHEDULE 2

Form of a petition for appointment of an executor to a deceased person
Commissariat of Edinburgh

or

Sheriffdom of _____ at _____
A.B. (*design him*)— Pursuer

The pursuer craves the Court,—

To decern the pursuer executor-dative *qua* next of kin (*or state the other
character in which the pursuer claims to be appointed executor*) to the deceased
C.D. (*design him*).

(*To be signed*) A.B. Pursuer.

or

X.Y. (*add designation and
business address*)
Pursuer's Agent.

CONDESCENDENCE

1. The said C.D. died at (*specify place*) on (*specify date*) intestate (*or, if he died testate, here also refer to the testamentary writings and their dates and dates of recording, if any, and state that the same or an extract of the same is produced*). He had at the time of his death his ordinary or principal domicile in the county of (*specify county, or state that he was without any fixed or known domicile except that the same was in Scotland, or as the case may be*).

2. The pursuer is a son of the said C.D. and one of his next of kin (*or state what other relationship, character, or title the pursuer has, giving him right to apply for the appointment of executor*). (*Any person who, if he had survived the deceased would have had a prior claim to the office of executor must here be eliminated. If the deceased was survived by a spouse who is not the pursuer, the reason must be given why the application is not made by the surviving spouse unless (a) the deceased died prior to 10th September 1964 leaving no issue and it is averred that the net estate of the deceased exceeds £5,000 or (b) the deceased died on or after 10th September 1964 and it is averred that the estate of the deceased exceeds the prior rights of the surviving spouse.*)

PLEA IN LAW

The pursuer, being one of the next of kin of the said C.D. (*or state the other character in which the pursuer claims to be appointed executor*), is entitled to be decerned his executor-dative.

(*To be signed*) A.B. Pursuer.

or

X.Y. (*add designation and business address*)
Pursuer's Agent.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.*)

This Act of Sederunt prescribes the form in which heritable property, or any interest therein, shall be described in the inventory embodied in or appended to the confirmation of an executor and in any note or statement of property appended to an inventory of estate. It makes provision for reference to be made in certain cases in such note or statement to the deed whereby trust property became vested in a deceased trustee or executor. It also prescribes the form of petition for the appointment of an executor and the form of the extract of a decree-dative, and amends the form of confirmation and eik to confirmation set forth in Schedules B and C to the Act of Sederunt of 3rd February 1933. It declares that a certificate of confirmation shall be available in respect of heritable as well as moveable estate. It gives effect to the provisions of the Succession (Scotland) Act 1964, so far as they relate to the confirmation of executors, and makes certain consequential amendments to the Confirmation of Executors (Scotland) Act 1858 and the Codifying Act of Sederunt of 1913.

1964 No. 1144

WEIGHTS AND MEASURES

The Weights and Measures (Equivalents for dealings with drugs) Amendment Regulations 1964

<i>Made - - - -</i>	22nd July 1964
<i>Laid before Parliament</i>	29th July 1964
<i>Coming into Operation</i>	31st July 1964

The Minister of Health and the Secretary of State, acting jointly, in exercise of the powers conferred on them by section 10(7) of the Weights and Measures Act 1963(a) and of all other powers enabling them in that behalf, hereby make the following regulations :—

1.—(1) These regulations may be cited as the Weights and Measures (Equivalents for dealings with drugs) Amendment Regulations 1964 and shall come into operation on 31st July 1964.

(2) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In regulation 3(1) of the Weights and Measures (Equivalents for dealings with drugs) Regulations 1964(c), (which provides that orders for certain dealings in drugs expressed in grains shall be carried out in terms of equivalent metric quantities) the words “or in any amendment or new edition thereof” shall be omitted.

Given under the official seal of the Minister of Health on 21st July 1964.

(L.S.)

Anthony Barber,
Minister of Health.

Given under the seal of the Secretary of State for Scotland on 22nd July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

(a) 1963 c. 31.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/81 (1964 I, p. 150).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend regulation 3(1) of the Weights and Measures (Equivalents for dealings with drugs) Regulations 1964 by limiting its application to dealings in drugs for which a monograph exists in the 1963 edition of the British Pharmacopoeia or the British Pharmaceutical Codex. The original regulation applied also to any amendment or new edition of those works.

1964 No. 1145

LAND REGISTRATION

The Land Registration Rules 1964

<i>Made - - - -</i>	22nd July 1964
<i>Laid before Parliament</i>	29th July 1964
<i>Coming into Operation</i>	30th July 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(a), do, in exercise of the powers vested in me by that section, hereby make the following Rules :—

1. Rules 55 and 89 of the Land Registration Rules 1925(b) (which provide for the giving of notice in certain cases) are hereby revoked.

2.—(1) The Interpretation Act 1889(c) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) These Rules may be cited as the Land Registration Rules 1964 and shall come into operation on 30th July 1964.

Dated 22nd July 1964.

Dilhorne, C.

 EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules relieve the Chief Land Registrar of the duty of serving certain notices so as to save work in H.M. Land Registry.

(a) 15 & 16 Geo. 5. c. 21.

(b) S.R. & O. 1925/1093 (Rev. XII, p. 81: 1925, p. 717).

(c) 52 & 53 Vict. c. 63.

1964 No. 1146

AGRICULTURE

The Price Stability of Imported Products (Levy Arrangements) (Amendment No. 2) Order 1964

<i>Made - - - -</i>	22nd July 1964
<i>Laid before Parliament</i>	27th July 1964
<i>Coming into Operation</i>	28th July 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (3), (4), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) (Amendment No. 2) Order 1964; and shall come into operation on 28th July 1964.

2. The Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended(c) shall be further amended—

(a) by substituting for article 17 thereof (relating to conditions and requirements) the following article:—

“17.—(1) The Ministers may from time to time, with the approval of the Treasury, impose such conditions and requirements as appear to them to be necessary or expedient with respect to the administration of any relief provided for in this Part of this order.

(2) The Ministers shall take reasonable steps to bring any such conditions and requirements to the notice of persons concerned and, in particular, to the notice of any person making an application with a view to the granting of any such relief.

(3) The granting of any such relief is conditional upon the provisions of this order relating thereto, and any such conditions and requirements for the time being imposed in respect of which the requisite steps under paragraph (2) of this article have been taken, being observed and complied with.”;

(b) by adding to the countries named in Schedule 2 thereto the following entries:—

“ Republic of Cyprus.
 Republic of Ireland.
 French Republic.
 Kingdom of Sweden.”.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706). (c) S.I. 1964/989 (1964 II, p. 2229).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 21st July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 21st July 1964.

Henry Brooke,
Secretary of State for the Home Department.

Approved.
22nd July 1964.

Martin McLaren,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order amends the Price Stability of Imported Products (Levy Arrangements) Order 1964, as amended, to add the Republic of Cyprus, the Republic of Ireland, the French Republic and the Kingdom of Sweden to the list of co-operating countries. The principal order provides for exemption from any general levy for imports from co-operating countries.

This order also substitutes modified provisions relating to conditions and requirements with respect to the administration of reliefs including provision for the notification of persons concerned.

1964 No. 1147

AGRICULTURE

**The Agricultural Lime Scheme (Extension of Period)
Order 1964**

Laid before Parliament in draft

Made - - - - 21st July 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, in exercise of the powers vested in them by section 2 of the Agriculture (Miscellaneous Provisions) Act 1954(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following Order.

Citation and Interpretation

1.—(1) This Order may be cited as the Agricultural Lime Scheme (Extension of Period) Order 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Extension of Period for Contributions

2. The period during which any cost must have been incurred in order that contributions may be payable in respect of it under section 1 of the Agriculture Act 1937(c), as amended, is hereby extended until the end of July 1969.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th July 1964.

(L.S.)

Christopher Soames,

Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 20th July 1964.

(L.S.)

Michael Noble,

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 21st July 1964.

Henry Brooke,

Secretary of State for the Home Department.

Approved 21st July 1964.

*M. A. Hamilton,**Martin McLaren,*

Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Contributions towards the cost of acquiring and transporting lime for use on agricultural land and spreading it on such land are payable in accordance with a scheme made under the Agriculture Act 1937, as amended. The prescribed period during which such contributions may be made is due to expire on the 31st July 1964.

This Order extends by five years, ending on the 31st July 1969, the period during which contributions may be made.

1964 No. 1148

FIRE SERVICES

The Firemen's Pension Scheme Order 1964

<i>Made</i> - - - -	23rd July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a), as amended and extended by sections 1 and 2(1) of the Fire Services Act 1951(b), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c) and section 8 of the Fire Services Act 1959(d), I hereby, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order :—

1.—(1) The Firemen's Pension Scheme 1956 (set out in the Appendix to the Firemen's Pension Scheme Order 1956(e)) and the Orders set out in Appendix 1 to this Order shall cease to have effect save in relation to—

- (a) any award or claim to an award on a person's retirement or dismissal or on his ceasing to serve in the armed forces of the Crown, before 1st August 1964 ;
- (b) any award or claim to an award in respect of the death of a person before the said date ;
- (c) any pension or claim to a pension by the nominee of a fireman whose pension has been reduced before 1st August 1964 as a result of his having given notice of intention to surrender a portion thereof, being a pension actuarially equivalent to that surrendered portion ;
- (d) any undertaking to make payments in accordance with Schedule 5 to the said Scheme, as amended(f) ; and
- (e) any certificate of pensionable service or entitlement to such a certificate under Article 34 of the said Scheme.

(2) In the preceding paragraph the expression "award" includes a repayment of contributions.

(3) Section 38 of the Interpretation Act 1889(g) shall apply in relation to the Firemen's Pension Scheme 1956 and the Orders set out in Appendix 1 to this Order, to the extent that they cease to have effect under this Article, as if this Article were an Act of Parliament and the said Scheme and Orders were Acts of Parliament repealed by an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 41.

(b) 14 & 15 Geo. 6. c. 27.

(c) 14 & 15 Geo. 6. c. 65.

(d) 7 & 8 Eliz. 2. c. 44.

(e) S.I. 1956/1022 (1956 I, p. 953).

(f) The relevant amending instrument is S.I. 1960/1848 (1960 II, p. 1471).

(g) 52 & 53 Vict. c. 63.

2. The Pension Scheme set out in Appendix 2 to this Order (hereinafter referred to as the Firemen's Pension Scheme 1964) is hereby brought into operation.

3.—(1) The Firemen's Pension Scheme 1948 (set out in the Appendix to the Firemen's Pension Scheme Order 1948(a)), as amended(b), in so far as it continues to have effect under the Firemen's Pension Scheme Order 1952(c), shall do so as though paragraph 6 of Schedule 10 thereto made the provision referred to in paragraph (4) of this Article.

(2) The Firemen's Pension Scheme 1952 (set out in Appendix 1 to the Firemen's Pension Scheme Order 1952), as amended(b), in so far as it continues to have effect under the Firemen's Pension Scheme Order 1956, shall do so as though paragraph 6 of Schedule 10 thereto made the provision referred to in paragraph (4) of this Article.

(3) The Firemen's Pension Scheme 1956, as amended(d), in so far as it continues to have effect under this Order, shall do so as though—

(a) Article 19 thereof made the provision referred to in paragraph (4) of this Article, and

(b) any reference in Schedule 5 thereto to an award included a reference to an award under the Firemen's Pension Scheme 1964.

(4) The provision referred to in the preceding paragraphs of this Article is provision for the payment of a child's allowance, in the case of a child who has attained the age of 16 years, if and so long as he has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

4. This Order may be cited as the Firemen's Pension Scheme Order 1964 and shall come into operation on 1st August 1964.

Henry Brooke,

One of Her Majesty's Principal
Secretaries of State.

22nd July 1964.

We approve,

*M. A. Hamilton,
Ian MacArthur,*

Two of the Lords Commissioners
of Her Majesty's Treasury.

23rd July 1964.

(a) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).

(b) The relevant amending instrument is S.I. 1959/1495 (1959 I, p. 1289).

(c) S.I. 1952/944 (1952 I, p. 1003).

(d) The relevant amending instruments are S.I. 1958/370, 1959/1495, 1960/1848 (1958 I, p. 1153; 1959 I, p. 1289; 1960 II, p. 1471).

Article 1

APPENDIX 1

ORDERS REVOKED WITH SAVINGS

The Firemen's Pension Scheme Order 1956.	S.I. 1956/1022 (1956 I, p. 953).
The Firemen's Pension Scheme (No. 2) Order 1956.	S.I. 1956/2014 (1956 I, p. 994).
The Firemen's Pension Scheme Order 1958.	S.I. 1958/370 (1958 I, p. 1153).
The Firemen's Pension Scheme Order 1959.	S.I. 1959/802 (1959 I, p. 1282).
The Firemen's Pension Scheme (No. 2) Order 1959.	S.I. 1959/1495 (1959 I, p. 1289).
The Firemen's Pension Scheme Order 1960.	S.I. 1960/1848 (1960 II, p. 1471).
The Firemen's Pension Scheme (No. 2) Order 1960.	S.I. 1960/2385 (1960 II, p. 1474).
The Firemen's Pension Scheme (Amendment) Order 1962.	S.I. 1962/729 (1962 I, p. 744).
The Firemen's Pension Scheme (Amendment) Order 1963.	S.I. 1963/2073 (1963 III, p. 4388).

Article 2

APPENDIX 2

THE FIREMEN'S PENSION SCHEME 1964

ARRANGEMENT OF ARTICLES

PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

Article

1. Fireman's ordinary pension.
2. Fireman's short service award.
3. Fireman's ill-health award.
4. Fireman's special pension.
5. Minimum aggregate amount of payments in respect of fireman's pension.
6. Cancellation of fireman's ill-health and special pensions on recovery.
7. Reassessment of fireman's special pension.
8. Reduction of award to fireman who causes or aggravates his infirmity.
9. Commutation of pension.

PART II

AWARDS ON DEATH OF REGULAR FIREMEN

Widows

10. Widow's ordinary award.
11. Widow's special pension.
12. Widow's gratuity by way of commuted pension.
13. Right to widow's pension dependent on date of marriage.
14. Special provisions where widow was living apart from her husband.
15. Effect of remarriage.

Children

16. Child's ordinary allowance.
17. Child's special allowance.
18. Child's gratuity by way of commuted allowance.
19. Duration of child's allowance.
20. Right to child's allowance dependent on date of birth and other matters.
21. Limitation on amount of child's special allowance.

*General**Article*

22. Gratuities for dependants other than widows and children.
23. Limitation on discretion to grant a gratuity in lieu of a pension or allowance.

PART III**ALLOCATION OF PENSIONS AND GENERAL PROVISIONS
AFFECTING RIGHTS TO AWARDS**

24. Allocation of pension.
25. Limitation on right to commute or allocate part of a pension.
26. Prevention of duplication.
27. Award not payable in case of transfer.
28. Withdrawal of pension or allowance for misconduct.
29. Withdrawal of pension during employment as a regular fireman.

PART IV**PENSIONABLE SERVICE OF REGULAR FIREMEN**

30. Current service in the brigade.
31. Previous service in a brigade.
32. Period during which a special pension was payable.
33. Absence from duty in the brigade without pay.
34. Previous local government service.
35. Previous service other than fire or local government service.
36. Certificates of pensionable service.
37. Prevention of double reckoning.

PART V**PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN**

38. Pensionable pay and average pensionable pay.
39. Rate of payment of pension contributions.
40. Method of payment of pension contributions.
41. Repayment of contributions on retirement or death.
42. Repayment of contributions on dismissal.

PART VI**DETERMINATION OF QUESTIONS AND APPEALS**

43. General functions of fire authority.
44. Appeal against opinion of fire authority's medical practitioner.
45. Appeal against decision of fire authority.

PART VII**PAYMENT OF AWARDS AND FINANCIAL PROVISIONS**

46. Payment of awards generally.
47. Payment of awards in special cases.
48. Payment of transfer values.
49. Expenses and receipts of fire authorities.

**PART VIII
SERVICEMEN**

Article

50. Awards to servicemen.
51. Awards on death of servicemen.
52. Gratuities for dependants other than widows and children.
53. Servicemen who resume service as regular firemen.
54. Servicemen who do not resume service in their former brigade.
55. Pensionable service, contributions and pay.
56. Servicemen deemed not to have retired.
57. Application to regular firemen with war service.

PART IX

MEMBERS OF BRIGADES WHO ARE NOT REGULAR FIREMEN

58. Awards to and in respect of whole-time firemen.
59. Payment of contributions by retained firemen.
60. Part-time firemen: injury award.
61. Widow of part-time fireman: injury pension.
62. Child of part-time fireman: injury allowance.
63. Auxiliary provisions.

PART X

PERSONS WHO ARE NOT MEMBERS OF BRIGADES

64. Temporary employment in connection with the provision of fire services.
65. Permanent employment as an instructor.

PART XI

PERSONS WHO WERE SERVING ON 10TH JULY 1956

66. Modification of Scheme.

PART XII

MISCELLANEOUS PROVISIONS AND INTERPRETATION

67. Auxiliary firemen not subject to Scheme.
68. Exclusive application of Scheme in relation to regular firemen.
69. Application of Scheme in cases of compulsory transfer.
70. Application of Scheme where modified by section 27 of principal Act.
71. Age of compulsory retirement.
72. Compulsory retirement on grounds of incapacity.
73. Assessment of disablement.
74. Meaning of "regular fireman".
75. Meaning of "qualifying injury".
76. Meaning of infirmity or death occasioned by an injury.
77. Meaning of "aggregate contributions".
78. Meaning of reference to awards.
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PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

Fireman's ordinary pension

1.—(1) Every regular fireman who has attained the age of 50 years and retires, being entitled to reckon at least 25 years' pensionable service, shall be entitled to a fireman's ordinary pension of an amount calculated in accordance with Part I of Schedule 1, subject however to Part III of that Schedule.

(2) Notwithstanding anything in paragraph (1), a chief officer or in Scotland a firemaster who retires before attaining the age of 55 years shall not be entitled to a pension under this Article unless his notice of retirement was given with the permission of the fire authority.

Fireman's short service award

2.—(1) Every regular fireman who is required to retire on account of age, but is not entitled to an ordinary pension under Article 1 shall be entitled to a fireman's short service award as hereinafter provided.

(2) In the case of a fireman entitled to reckon at least 10 years' pensionable service, the award under paragraph (1) shall be a short service pension calculated in accordance with Part II of Schedule 1, subject however to Part III of that Schedule.

(3) In the case of any other fireman, the award under paragraph (1) shall be a short service gratuity calculated in accordance with Part IV of Schedule 1, subject however to Part V of that Schedule.

(4) Every regular fireman who retires at or over the age of 65 years and is entitled to reckon at least 10 years' pensionable service but is not entitled to a pension or gratuity under any other provision of this Part of this Scheme shall be entitled to a short service pension calculated in accordance with Part II of Schedule 1, subject however to Part III of that Schedule.

Fireman's ill-health award

3.—(1) Every regular fireman who is incapacitated for the performance of his duty by infirmity of mind or body and retires on that account shall, if it appears that the incapacity is likely to be permanent, be entitled to an ill-health award as hereinafter provided.

(2) In the case of a fireman—

(a) who is entitled to reckon at least 10 years' pensionable service ; or

(b) whose infirmity of mind or body is occasioned by a qualifying injury,

the award under paragraph (1) shall be an ill-health pension calculated in accordance with Part II of Schedule 1, subject however to Part III of that Schedule.

(3) In the case of any other fireman the award under paragraph (1) shall be an ill-health gratuity calculated in accordance with Part IV of Schedule 1, subject however to Part V of that Schedule.

Fireman's special pension

4.—(1) Where—

(a) an ill-health pension is payable to a regular fireman on the ground that he has been incapacitated for the performance of his duty by infirmity of mind or body occasioned by a qualifying injury ; and

(b) the amount of that pension, when aggregated with the amount of any additional benefit from time to time payable to him, is less than the minimum injury award calculated in accordance with Part VI of Schedule 1,

he shall be entitled to a special pension of an amount equal to the deficiency.

(2) In this Article the expression "additional benefit" means—

(a) any injury benefit payable under the National Insurance (Industrial Injuries) Act 1946(a) which relates to the qualifying injury ;

(b) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1946 in respect of the qualifying injury at the rate specified in that section or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable on account of unemployment or special hardship or in respect of children or adult dependants under section 13, 14, 17 or 18 of the said Act or, subject as hereinafter provided, so much of any such increase as is proportionate to that part of the said pension which relates to that injury,

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16 of the said Act or in respect of children or adult dependants under section 17 or 18 of the said Act ;

(c) any sickness benefit payable under the National Insurance Act 1946(a) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work under section 11 of the said Act or regulations made thereunder.

(3) Where a disablement gratuity is payable to a person under section 12 of the National Insurance (Industrial Injuries) Act 1946 in respect of the qualifying injury, this Article shall apply as if a disablement pension were so payable to him during the relevant period, of such amount as would be produced by converting the gratuity into an annuity for that period.

In this paragraph the expression "the relevant period" means the period taken into account, in accordance with section 12 of the said Act of 1946, for the purpose of making the assessment by reference to which the gratuity became payable.

(4) Where an ill-health pension payable to a person is reduced under Article 9 or 24, then, for the purposes of this Article, the pension shall be deemed not to have been so reduced.

Minimum aggregate amount of payments in respect of fireman's pension

5.—(1) Where a regular fireman dies while in receipt of an ordinary, short service or ill-health pension, then if the aggregate of—

- (a) the sums paid in respect of the pension ;
- (b) any gratuity payable in respect of his death ; and
- (c) the actuarial value of any widow's pension or child's allowance payable in respect of his death,

is less than his aggregate contributions, there shall be paid to his estate the difference by way of adjustment of the amount of the pension.

(2) Where a regular fireman does not resume service in his brigade before the expiration of a month from the termination, under Article 6, of the unsecured portion of his ill-health pension, then if the aggregate of—

- (a) the sums paid in respect of the pension ; and
- (b) the actuarial value of the secured portion of the pension (in so far as it is payable under Article 6(4)),

is less than his aggregate contributions, there shall be paid to him the difference by way of adjustment of the amount of the pension.

(3) For the purposes of this Article—

- (a) where an ill-health pension is supplemented by a special pension in accordance with Article 4, any amount paid in respect of the special pension shall be treated as if it had been paid in respect of the ill-health pension ;
- (b) the actuarial value of a widow's pension, of a child's allowance or of the secured portion of an ill-health pension shall be calculated in accordance with the tables prepared from time to time by the Government Actuary ;
- (c) where a fireman's pension is reduced under Article 9 the lump sum paid to him under that Article shall be deemed to have been paid in respect of the pension ; and

(d) where a fireman's pension is reduced under Article 24, any reference in this Article to the aggregate amount paid to him in respect of the pension shall be construed as a reference to the aggregate amount which would have been so paid had the pension not been so reduced.

Cancellation of fireman's ill-health and special pensions on recovery

6.—(1) As long as a person—

- (a) is in receipt of an ill-health pension ;
- (b) would not, if he had continued to serve as a regular fireman instead of retiring with an ill-health pension, have become entitled to retire with an ordinary pension ; and
- (c) if he had continued so to serve, could not have been required to retire on account of age,

the fire authority may, if they wish to exercise the powers conferred by this Article, consider, at such intervals as they in their discretion think proper, whether he has become capable of performing the duties of a regular fireman.

(2) If on any such consideration it is found that he has become capable of performing the duties of a regular fireman, the fire authority may terminate the unsecured portion of the ill-health pension.

(3) Where the unsecured portion of a person's ill-health pension is terminated under this Article, the fire authority shall, if he presents himself for service in the brigade at any time before the expiration of a month from its termination, permit him to resume service in the brigade forthwith in a rank not lower than that which he held when he retired with the pension ; and if the fire authority fail to comply with the requirements of this paragraph the termination shall be void and shall be deemed never to have taken effect.

(4) Where the unsecured portion of a person's ill-health pension is terminated under this Article—

- (a) the secured portion of that pension shall not be payable in respect of any period before he attains the age of 65 years ; and
- (b) if the ill-health pension is supplemented by a special pension in accordance with Article 4, the special pension shall be terminated.

Reassessment of fireman's special pension

7. Where a person is in receipt of a fireman's special pension, the fire authority shall, at such intervals as they think fit, consider whether the extent of his disablement has substantially altered, and if they find that it has, the pension shall be reassessed accordingly :

Provided that this Article shall cease to have effect with respect to a pension if, at any time after the expiration of 5 years from the time when the pension first became payable, the fire authority so resolve.

Reduction of award to fireman who causes or aggravates his infirmity

8. Where a regular fireman retires on account of infirmity of mind or body, and he has brought about or contributed to the infirmity by his own default or his vicious habits, the fire authority may reduce the amount of any ill-health award or special pension payable to him on his retirement by an amount not exceeding one half of that to which he would otherwise be entitled.

Commutation of pension

9.—(1) A regular fireman may in accordance with the provisions of this Article commute for a lump sum a portion of any ordinary, ill-health or short service pension to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires when entitled to reckon at least 30 years' pensionable service or is required to retire on account of age.

(2) For the purpose of commuting a portion of his pension a person shall—

- (a) give notice in writing (in this Article called "notice of commutation") to the fire authority of his wish to commute for a lump sum such portion of his pension not exceeding a sixth thereof as (subject to the limitation contained in Article 25) he may specify ; and
- (b) satisfy the fire authority of his good health and for that purpose submit himself to such medical examination as they may require.

(3) The notice of commutation shall be given by a person—

- (a) not earlier than 2 months before his intended retirement nor later than 6 months after his retirement, or
- (b) in the case of a person who retires with an ill-health pension at a time when he is not entitled to retire with an ordinary pension, not earlier than 2 months before his intended retirement nor later than 6 months after he would, if he had continued to serve as a regular fireman instead of retiring with an ill-health pension, have become either entitled to retire with an ordinary pension or liable to be required to retire on account of age ;

and, in the case of such a person as is mentioned in sub-paragraph (b), the notice of commutation shall be given only with the written consent of the fire authority unless, at the time when the notice is given, he would, if he had continued to serve as aforesaid, have become either entitled to retire with an ordinary pension or liable to be required to retire on account of age.

(4) Where a person has complied with the provisions of paragraph (2)(a) and (b), the fire authority shall forthwith send to him a written notification that they have accepted the notice of commutation, which shall become effective—

- (a) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or
 - (b) as from the date of his retirement,
- whichever is the later :

Provided that the said notice shall not become effective if it was given more than 2 months before his retirement.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective, the fire authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary :

Provided that—

- (a) where the notice is effective as from the time mentioned in paragraph (4)(a), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement ;
- (b) in relation to such a person as is mentioned in paragraph (3)(b), the preceding provisions of this paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective.

(6) For the purposes of this Article no account shall be taken of any increase under Article 50(3) or 53 in an award to a serviceman.

(7) Where a regular fireman retires on or after 1st August 1964 any notice given or other thing done before that date for the purposes of Article 9A of the Firemen's Pension Scheme 1956, as set out in Article 2 of the Firemen's Pension Scheme Order 1959, shall have effect as if it had been given or done for the purposes of this Article.

PART II

AWARDS ON DEATH OF REGULAR FIREMEN

*Widows**Widow's ordinary award*

10.—(1) Subject as hereinafter provided, where a regular fireman entitled to reckon at least 3 years' pensionable service—

- (a) dies while serving as such a fireman ;
- (b) dies while in receipt of a pension granted in respect of service as such a fireman ; or
- (c) retires or has retired from service as such a fireman on account of any injury and subsequently (without any intervening period of service as such) dies in consequence of that injury,

his widow shall be entitled to a widow's ordinary pension as hereinafter provided:

Provided that she shall not be so entitled by reason only of the death of her husband while in receipt of the secured portion of an ill-health pension, the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2).

(2) The amount of a widow's ordinary pension under paragraph (1) shall be calculated in accordance with Part I of Schedule 2, subject however to Schedule 4.

(3) Subject as hereinafter provided, where a regular fireman entitled to reckon less than 3 years' pensionable service dies while serving as such a fireman his widow shall be entitled to a widow's ordinary gratuity of an amount calculated in accordance with Part II of Schedule 2.

Widow's special pension

11. Where a regular fireman dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to a widow's special pension of an amount calculated in accordance with Part III of Schedule 2, subject however to Schedule 4.

Widow's gratuity by way of commuted pension

12.—(1) Where a widow is entitled to a pension and the fire authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of a pension they may, subject to the provisions of Article 23, in their discretion and with her consent commute the pension for a gratuity of an amount calculated in accordance with Part IV of Schedule 2.

(2) Where the fire authority are precluded by reason of the provisions of Article 23 from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension.

Right to widow's pension dependent on date of marriage

13. A woman shall not be entitled to a widow's pension if she married her husband after he last ceased to serve as a regular fireman.

Special provisions where widow was living apart from her husband

14.—(1) Where a woman was living apart from her husband at the time of his death, no widow's award shall be paid to her unless—

- (a) he was then making regular contributions for her support or to her for the support of her child ;
- (b) he was then liable to make such contributions by virtue of an agreement or of the order or decree of a competent court ; or

(c) the fire authority determine that, in the circumstances of the case, the award should be payable.

(2) Where a pension is payable under paragraph (1)(a) or (b), it shall be payable at a rate not exceeding the rate at which the husband was making or was liable to make such contributions as are therein mentioned:

Provided that if the fire authority in the circumstances of the case so determine, the pension shall be payable for such period as they think fit at such increased rate as they think fit, not exceeding the rate at which it would be payable but for this Article.

(3) Where a gratuity is payable under paragraph (1)(c), it shall be payable in whole or in such part, as the fire authority think fit, and where a pension is so payable, it shall be payable for such period and at such rate as they think fit, not exceeding the rate at which it would be payable but for this Article.

Effect of remarriage

15.—(1) Where a widow's pension becomes payable to a woman, then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage the woman again becomes a widow, or that marriage is dissolved, the fire authority may pay the whole or any part of the pension for such period after that time as they think fit.

(2) Where a widow's gratuity becomes payable to a woman, then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman again becomes a widow, or that marriage is dissolved, the fire authority may pay to her the whole or any part of the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

Children

Child's ordinary allowance

16.—(1) Where a regular fireman—

(a) dies while serving as such a fireman ;

(b) dies while in receipt of a pension granted in respect of service as such a fireman ; or

(c) retires or has retired from service as such a fireman on account of any injury and subsequently (without any intervening period of service as such) dies in consequence of that injury,

any child of his shall be entitled to a child's ordinary allowance:

Provided that a child shall not be so entitled by reason only of the death of the father while in receipt of the secured portion of an ill-health pension, the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2).

(2) The amount of a child's ordinary allowance shall be calculated in accordance with Part I of Schedule 3, subject however to Part III of that Schedule.

Child's special allowance

17. Where a regular fireman dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, any child of his shall be entitled to a child's special allowance of an amount calculated in accordance with Part II of Schedule 3, subject however to Part III of that Schedule and to Schedule 4.

Child's gratuity by way of commuted allowance

18.—(1) Where a child is entitled to an allowance, and the fire authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu of an allowance, they may, subject to the provisions of Article 23, in their discretion and with the consent of the child's guardian commute the allowance for a gratuity of an amount calculated in accordance with Part IV of Schedule 3.

(2) Where the fire authority are precluded by reason of the provisions of Article 23 from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

Duration of child's allowance

19. A child's allowance shall only be payable if and so long as the child has not attained the age of 16 years or if and so long as he has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

Right to child's allowance dependent on date of birth and other matters

20. A child's allowance shall not be granted—

- (a) to a child born after the date the father last ceased to serve as a regular fireman, otherwise than of a marriage which took place before that date;
- (b) by virtue of his being a step-child, to a child whose mother married his step-father after the said date;
- (c) by virtue only of his being an adopted child, to a child adopted after the said date; or
- (d) by virtue of his being a step-child, adopted child or illegitimate child, to a child who was not substantially dependent on his father at the date of his father's death.

Limitation on amount of child's special allowance

21. Where a widow is entitled to a pension and her children are entitled to children's special allowances the allowances shall be reduced by such fraction, if any, as is from time to time necessary to secure that the aggregate amount of these allowances, when added to the widow's pension, does not exceed 2 thirds of the fireman's average pensionable pay.

*General**Gratuities for dependants other than widows and children*

22.—(1) Where a person dies while serving as a regular fireman, or dies while in receipt of a pension granted in respect of such service, the fire authority may, if they think fit, grant a gratuity to any of his relatives who were substantially dependent on him at the time of his death, and who are not entitled to any pension, gratuity or allowance under any other provision of this Scheme.

(2) The aggregate of all gratuities paid under this Article in respect of the death of any one person shall not exceed the amount of his aggregate contributions.

Limitation on discretion to grant a gratuity in lieu of a pension or allowance

23.—(1) Where a person has died while in receipt of an ordinary, ill-health or short service pension (in this Article referred to as "the principal pension"), the fire authority shall not under Article 12 or 18 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

- (a) any other gratuity so substituted under Article 12 or 18, and
- (b) any lump sum paid under Article 9 by reason that a portion of the principal pension was commuted,

exceeds a quarter of the actuarial value of the principal pension, any reduction therein under the said Article 9 being ignored.

(2) For the purposes of this Article the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband's or father's retirement as calculated by the Government Actuary.

(3) For the purposes of this Article no account shall be taken of an increase under Article 50(3) or 53 in an award to a serviceman.

PART III

ALLOCATION OF PENSIONS AND GENERAL PROVISIONS AFFECTING RIGHTS TO AWARDS

Allocation of pension

24.—(1) Where a regular fireman who retires and is entitled to an ordinary, ill-health or short service pension has allocated that pension, that is to say—

(a) has given notice in writing (hereafter in this Article called "notice of surrender") to the fire authority of his wish to surrender such portion of his pension as (subject to the limitation contained in Article 25) he may specify and, in relation to such notice, has complied with the provisions of paragraphs (3) and (4);

(b) has specified in the said notice the person in whose favour the surrender is to take effect (hereafter in this Article called "the beneficiary"), being his wife or such other person as the fire authority are satisfied is substantially dependent on him; and

(c) has provided the fire authority with such evidence of his good health as they consider satisfactory,

then, subject to paragraph (5), his pension shall be reduced accordingly as from the date of his retirement.

(2) Notwithstanding that he has previously allocated his pension, a regular fireman who is entitled to retire with an ordinary pension may, in accordance with the preceding paragraph—

(a) further allocate that pension in favour of the beneficiary of the previous allocation; or

(b) where that beneficiary has died, further allocate that pension in favour of some other beneficiary.

(3) Except in the case of a fireman entitled to retire with an ordinary pension, the notice of surrender shall be given by the fireman not earlier than 2 months before his retirement.

(4) The total portion of a fireman's pension which he may surrender in accordance with paragraph (1) shall not exceed a third thereof and, except in the case of such a further allocation as is mentioned in paragraph (2)(a), shall be such as will produce for the beneficiary, in accordance with the following provisions of this Article, a pension of not less than 10 shillings a week.

(5) Where the fire authority are satisfied that the fireman has complied with the provisions of paragraph (1)(a), (b) and (c), they shall forthwith send to the fireman a written notification that they have allowed the surrender, and the allocation shall take effect—

(a) in the case of a fireman who, when he gave the notice of surrender, was entitled to retire with an ordinary pension—

(i) at the time when the notification is received by him or, if sent by post, at the time when it would be delivered to him in the ordinary course of post, or

(ii) at the date of his retirement,
whichever is the earlier;

(b) in any other case, at the date of retirement;

and in a case to which sub-paragraph (a)(i) applies, the pension shall be reduced notwithstanding the death of the beneficiary specified in the notice of surrender before the date of retirement.

(6) Where a fireman retires having allocated his pension and the allocation has taken effect, the fire authority shall as from his death pay to the beneficiary specified in the notice of surrender, if that person survives the fireman, a pension of such amount as is the actuarial equivalent of the surrendered portion of the fireman's pension so specified.

The said actuarial equivalent shall be calculated from tables prepared by the Government Actuary at the time the allocation took effect, by reference to the ages of the fireman and the beneficiary at that time, and separate calculations shall be made in respect of separate allocations.

(7) Where a fireman has allocated an ordinary pension and the allocation has taken effect and he was entitled to retire with an ordinary pension when he gave the notice of surrender, then—

(a) if he dies before retiring, the fire authority shall pay to the beneficiary specified in the notice of surrender the like pension as they would have paid by virtue of that allocation if the fireman had retired immediately before he died ;

(b) if he retires with an ill-health pension, the foregoing provisions of this Article shall apply as if the allocation related to such pension.

(8) In the case of a chief officer or in Scotland a firemaster, in determining for the purposes of this Article—

(a) whether he is entitled to retire with an ordinary pension ; or

(b) where he dies before retiring, the pension which would have been paid if he had retired immediately before he died,

no account shall be taken of the restriction on entitlement to an ordinary pension contained in Article 1(2).

(9) For the purposes of this Article no account shall be taken of an increase under Article 50(3) or 53 in an award to a serviceman.

(10) Where a regular fireman retires on or after 1st August 1964 any notice given or other thing done before that date for the purposes of Article 13 of the Firemen's Pension Scheme 1952, as set out in Article 1 of the Firemen's Pension Scheme Order 1954(a), or for the purposes of Article 23 of the Firemen's Pension Scheme 1956 shall have effect as if it had been given or done for the purposes of this Article.

Limitation on right to commute or allocate part of a pension

25.—(1) A regular fireman shall not under Article 9 commute for a lump sum nor under Article 24 allocate in favour of his wife or other dependant such a portion of his pension that that pension becomes payable at a rate less than 2 thirds of the rate at which it would have been payable but for the provisions of the said Articles.

(2) For the purposes of this Article no account shall be taken of an increase under Article 50(3) or 53 in an award to a serviceman.

Prevention of duplication

26. Where, apart from the provisions of this Article, a person would be entitled to receive two or more pensions or allowances under this Scheme in respect of any particular period, he shall be entitled in respect of that period to receive that one only of those pensions or allowances which is for the time being greater than the others, or, if for the time being they are all equal, one only of the said pensions or allowances shall be paid :

Provided that, for the purposes of this Article, where an ill-health pension is supplemented by a special pension in accordance with Article 4 those pensions shall be treated as one, and there shall be disregarded—

(a) a pension payable under Article 24(6) or (7) ;

(b) a pension payable under Part IX of this Scheme ;

- (c) the secured portion of an ill-health pension the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2), in so far as it is payable under Article 6(4).

Award not payable in case of transfer

27.—(1) Where a regular fireman retires or has retired from a brigade and after again becoming such a fireman in that or another brigade becomes entitled under Article 31(1) or (4) to reckon as pensionable service the period of pensionable service he was entitled to reckon on retiring, then any award to which he has become entitled on the occasion of that retirement shall cease to be payable.

(2) Where a regular fireman retires or has retired from a brigade and enters other pensionable employment in such circumstances that a transfer value becomes payable by the fire authority in respect of him under rules made by virtue of section 9 of the Fire Services Act 1959, then any award to which he has become entitled on the occasion of that retirement shall cease to be payable.

(3) Where a regular fireman retires from a brigade in pursuance of a written notice to the fire authority of his intention to retire for the purpose of joining another brigade, then notwithstanding anything in Article 1(1) he shall not, on the occasion of that retirement, be entitled to a pension under that Article.

Withdrawal of pension or allowance for misconduct

28.—(1) Where any person to whom a pension or allowance is payable—

(a) is sentenced for any offence to preventive detention or corrective training or to imprisonment for a term exceeding 12 months; or

(b) becomes or continues to be engaged in any business, occupation or employment which is illegal,

the fire authority may, in relation to that pension or allowance, exercise the powers conferred by this Article.

(2) In the case of an ordinary, short-service or ill-health pension, the fire authority may—

(a) withdraw the unsecured portion of the pension in whole or in part and either temporarily or permanently;

(b) withdraw the secured portion of the pension in whole or in part for a period before the pensioner attains the age of 65 years or during his imprisonment or detention in legal custody.

(3) In the case of any other pension or of an allowance, the fire authority may withdraw the award in whole or in part and either temporarily or permanently.

(4) So much of any pension or allowance as is withdrawn under this Article may, to such extent as the fire authority at any time think fit—

(a) be applied by that authority for the benefit of any dependant of the person to whom but for its withdrawal it would be payable;

(b) be restored to that person.

Withdrawal of pension during employment as a regular fireman

29. The fire authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is employed as a regular fireman in any fire brigade.

PART IV

PENSIONABLE SERVICE OF REGULAR FIREMEN

Current service in the brigade

30. A regular fireman shall be entitled to reckon as pensionable service—

- (a) any period of service as such, in the brigade in which he is serving, on or after 1st August 1964 ; and
- (b) where he was serving in that brigade both on and immediately before 1st August 1964, any period of pensionable service which he was entitled to reckon immediately before that date:

Provided that, subject as hereinafter provided, there shall not be reckonable as pensionable service—

- (i) where he has left and rejoined the brigade on or after 1st August 1964, any period of service before he last rejoined the brigade ;
- (ii) any period of absence from duty as a fireman as a result of sickness or injury which is certified by a duly qualified medical practitioner to be due to his own misconduct or vicious habits ; or
- (iii) any period of absence from duty as a fireman without pay, including any period of suspension from duty terminating with the fireman having been found guilty of an offence against discipline or a criminal offence.

Previous service in a brigade

31.—(1) Subject to paragraph (2), where a regular fireman—

- (a) retires or has retired from a brigade without a pension and without a transfer value becoming payable under rules made by virtue of section 9 of the Fire Services Act 1959 ; and
- (b) within twelve months of so retiring and without any intervening service as a regular fireman rejoins or has rejoined that brigade or joins or has joined another brigade,

he shall be entitled to reckon as pensionable service the period of pensionable service he was entitled to reckon on so retiring, but subject to his undertaking, within 6 months of rejoining or, as the case may be, joining the brigade or within such longer period as the fire authority may in his case allow, to pay in accordance with Schedule 5 a sum equal to the aggregate of—

- (i) any sum paid to him by way of gratuity or return of aggregate contributions on retirement ; and
- (ii) the balance of any sum he had undertaken to pay in accordance with Schedule 5 to this Scheme or Schedule 5 to the Firemen's Pension Scheme 1956 which was outstanding immediately before his retirement.

(2) In the case of a person who has completed less than 2 years service as a regular fireman, paragraph (1) shall apply only where he retires or has retired from one brigade for the purpose of joining another brigade and joins that brigade with the written consent of the fire authority maintaining the first-mentioned brigade, and such consent may be given after he has left the first-mentioned brigade if he has applied to the fire authority for such consent while still a member of the brigade.

(3) Where a regular fireman—

- (a) retires or has retired from a brigade with an ill-health pension ; and
- (b) resumes service in the brigade in the circumstances and within the period mentioned in Article 6(3),

he shall be entitled to reckon as pensionable service the period of pensionable service he was entitled to reckon on so retiring.

(4) Where a regular fireman—

- (a) retires or has retired from a brigade without a pension, other than an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in Article 6(2);
- (b) without any intervening service as a regular fireman rejoins or has rejoined that brigade or joins or has joined another brigade; and
- (c) cannot under paragraph (1) or (3) reckon as pensionable service the period of pensionable service he was entitled to reckon on so retiring,

he shall be entitled to reckon that period as pensionable service, but subject to his undertaking, within 6 months of rejoining or, as the case may be, joining the brigade, or within such longer period as the fire authority may in his case allow, to pay in accordance with Schedule 5 a sum calculated in accordance with Schedule 6.

Period during which a special pension was payable**32.—(1) When a regular fireman—**

- (a) retires or has retired from a brigade with a special pension; and
- (b) resumes or has resumed service in the brigade in the circumstances and within the period mentioned in Article 6(3),

he shall be entitled to reckon as pensionable service the period for which that pension was payable, but subject to his undertaking, within 6 months of resuming service in the brigade or within such longer period as the fire authority may in his case allow, to pay in accordance with Schedule 5 a sum equal to the aggregate of the pension contributions which would have been payable by him for that period had he continued to serve as a regular fireman in the brigade in the rank he held immediately before his retirement.

(2) In the case of a regular fireman who would have been entitled to a special pension but for the amount of additional benefit, within the meaning of Article 4(2), payable to him, paragraph (1) shall have effect as if he had been entitled to a special pension.

Absence from duty in the brigade without pay

33.—(1) Where a regular fireman is or has been absent from duty without pay, the fire authority may, at any time while he is such a fireman in their brigade, resolve that the whole or any part of the period of absence shall be reckoned as pensionable service for the purposes of this Scheme.

(2) Where by virtue of any such resolution as aforesaid any period is reckoned as pensionable service, the fireman shall become liable to pay to the fire authority the contributions which would have been payable by him for that period if he had been paid at the rate applicable to his case.

Previous local government service**34.—(1) This Article shall apply in the case of a person—**

- (a) who before becoming a regular fireman was in employment by virtue of which he was or was deemed to be a contributory employee or a local Act contributor within the meaning of the Local Government Superannuation Act 1937(a); and
- (b) in respect of whom a transfer value relating to his former employment is paid to the fire authority under rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(b).

(2) Subject to paragraphs (3) and (4), such a person as is mentioned in the preceding paragraph shall be entitled to reckon as pensionable service the aggregate of—

- (a) 3 quarters of the period of contributing service; and

(a) 1 Edw. 8 & 1 Geo. 6. c. 68.

(b) 11 & 12 Geo. 6. c. 33.

(b) 3 eighths of the period of non-contributing service, which he would have been entitled to reckon had he on becoming a regular fireman become a contributory employee within the meaning of the Local Government Superannuation Act 1937 entitled to the benefit of section 13 of that Act.

(3) Where he would have been entitled in the circumstances mentioned in the preceding paragraph to reckon a period as contributing service subject to his making certain payments by way of—

(a) additional contributory payments in discharge of a fixed sum ; or

(b) additional contributions for added years,

whether on giving notice in that behalf or otherwise, then he shall and shall only be entitled to reckon 3 quarters of that period as pensionable service if within 3 months of his becoming a regular fireman or within such longer period as the fire authority may in his case allow, he undertakes to pay in accordance with Schedule 5 a sum equal to the capital value of those additional payments or contributions as the case may be, as determined by the fire authority.

(4) Where in the exercise of their discretion under rules made under the Superannuation (Miscellaneous Provisions) Act 1948 the authority by whom he was employed in his former employment increase his service for the purposes of those rules, then for the purposes of this Article the service reckonable by him immediately before ceasing to hold his former employment shall be deemed to have been correspondingly increased.

(5) Any reference in this Article to the Local Government Superannuation Act 1937 shall be construed as including a reference to the Local Government Superannuation (Scotland) Act 1937(a).

Previous service other than fire or local government service

35.—(1) Without prejudice to the provisions of paragraph (4), this Article shall apply in the case of a person, other than a person to whom Article 34 applies—

(a) who before becoming a regular fireman was in service or employment otherwise than as a fireman by virtue of which he was subject to superannuation arrangements (hereafter in this Article referred to as "former service") ;

(b) in respect of whom a transfer value relating to his former service is paid to the fire authority under rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948, under regulations made under section 67 of the National Health Service Act 1946(b), or section 66 of the National Health Service (Scotland) Act 1947(c), or under any such other provisions as may be approved for the purposes of this Article by the Secretary of State ; and

(c) who within 3 months of his becoming a regular fireman, or within such longer period as the fire authority may in his case allow, undertakes to pay in accordance with Schedule 5 a sum equal to the balance of any liability outstanding immediately before he ceased to be engaged in his former service in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the said superannuation arrangements.

(2) Where under the superannuation arrangements mentioned in paragraph (1)—

(a) a maximum pension is provided for a person entitled to reckon 30 years' service for the purposes thereof, or

(b) after 20 years' service each year of service is reckonable as 2 years' service for the purposes thereof,

then such a person as is mentioned in paragraph (1) who was subject to those arrangements shall be entitled to reckon as pensionable service the whole of the period specified in paragraph (5).

(a) 1 Edw. 8 & 1 Geo. 6. c. 69. (b) 9 & 10 Geo. 6. c. 81. (c) 10 & 11 Geo. 6. c. 27.

(3) In any other case, such a person as is mentioned in paragraph (1) shall be entitled to reckon 3 quarters of the period specified in paragraph (5).

(4) Notwithstanding anything in Article 37, where a regular fireman is entitled to reckon pensionable service by virtue of Article 33 of the Firemen's Pension Scheme 1956 and the payment of a transfer value relating to service or employment otherwise than as a fireman in respect of which he was subject to superannuation arrangements, then, if under those arrangements—

(a) a maximum pension was provided for a person entitled to reckon 30 years' service for the purposes thereof, or

(b) after 20 years' service each year of service was reckonable as 2 years' service for the purposes thereof,

he shall in addition be entitled to reckon as pensionable service a quarter of the period specified in paragraph (5).

(5) The period referred to in paragraphs (2), (3) and (4) is—

(a) the period of service which is or was reckonable for the purpose of calculating the transfer value ; or

(b) where separate calculations are or were made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of the period of contributing service and a half of the period of non-contributing service which is so reckonable.

Certificates of pensionable service

36.—(1) Where a regular fireman becomes entitled to reckon a period of service as pensionable service for the purposes of this Scheme by virtue of Article 31, 32, 34, 35 or 55, then the fire authority shall, within a period of 6 months, supply him with a certificate showing the pensionable service he was entitled to reckon on the date on which he became entitled to reckon the said period of service.

(2) Where a fireman is dissatisfied with a certificate supplied to him in accordance with the provisions of the preceding paragraph, he may, within 3 months of being supplied with it, appeal to the Secretary of State who shall either confirm or vary the said certificate.

(3) Where in accordance with the preceding provisions of this Article a certificate has been supplied to a fireman and he has not appealed to the Secretary of State within the period of 3 months aforesaid, or where a certificate has been confirmed or varied on such an appeal, then the certificate as supplied, confirmed or varied, as the case may be, shall be conclusive as to the pensionable service which the fireman was entitled to reckon on the date to which it refers.

(4) Where a fireman is entitled to a certificate under paragraph (1) but claims a pension or gratuity or dies—

(a) before the certificate has been supplied, then the obligation to supply a certificate shall cease ;

(b) after the certificate has been supplied but before it has become conclusive, then the certificate shall cease to have effect and no further proceedings under paragraph (2) shall take place.

(5) For the purposes of this Article a fireman shall be treated as only becoming entitled to reckon service under Article 55 of this Scheme if and when he resumes service in his former brigade.

Prevention of double reckoning

37. A regular fireman who is entitled to reckon a period as pensionable service under any provision of this Part of this Scheme shall not be entitled also to reckon that period under some other such provision.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN

Pensionable pay and average pensionable pay

38.—(1) In this Scheme the expression “pensionable pay” means the pay of a regular fireman as determined in relation to his rank or, in the case of a chief officer or an assistant chief officer or, in Scotland, a firemaster or an assistant firemaster, his pay as determined for the post.

(2) For the purpose of determining the benefits payable under this Scheme on the death or retirement of a regular fireman—

(a) the expression “average annual pensionable pay” means the aggregate of the pensionable pay of the fireman, ignoring any reduction of pay during sick leave and any stoppage of pay by way of punishment, during the 3 years immediately preceding his death or retirement or, in a case where he was not serving as a regular fireman when he died, the date on which he last ceased to serve as such, divided by 3:

Provided that where he was in receipt of pensionable pay for only part of the said period, the said aggregate shall be divided by the number of years and that fraction of a year for which he was in receipt of pensionable pay during the said period; and

(b) the expression “average pensionable pay” means the average annual pensionable pay of the fireman divided by 52½.

(3) Notwithstanding anything in the preceding paragraph, for the purpose of determining the benefits payable under this Scheme in respect of a person who last ceased to serve as a regular fireman before 10th July 1956, the expressions “average annual pensionable pay” and “average pensionable pay” shall have the meanings assigned to “annual pensionable pay” and “pensionable pay” respectively by Article 46 of the Firemen’s Pension Scheme 1952 for the purpose of determining the benefits payable under that Scheme.

Rate of payment of pension contributions

39.—(1) Subject to the provisions of this Scheme, a regular fireman shall pay pension contributions to the fire authority at the rate of 1s. 2d. a week less than 5 per cent. of his pensionable pay.

(2) In the case of a person who—

(a) served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service;

(b) became a regular fireman on the appointed day or, where he was then a member of the armed forces of the Crown, after next ceasing to be such a member and without any intervening service in another capacity; and

(c) did not elect to pay pension contributions at the lower rate under Article 38 of the Firemen’s Pension Scheme 1948,

this Article shall, subject to the proviso to paragraph (4), apply subject to the provisions of that paragraph.

(3) In the case of a person who—

(a) is entitled to reckon a period as pensionable service by virtue of service or employment otherwise than as a regular fireman in respect of which he was subject to superannuation arrangements; and

(b) has been excepted from the operation of any regulations made under section 69(4) of the National Insurance Act 1946, or other provisions modifying the said arrangements in relation to a person insured under the said Act,

this Article shall, subject to the proviso to paragraph (4), apply subject to the provisions of that paragraph.

(4) In the case of a person such as is mentioned in paragraph (2) or (3), this Article shall apply as if for the reference in paragraph (1) to the rate of 1s. 2d. a week less than 5 per cent. of his pensionable pay there were substituted a reference to the rate of 2d. a week less than 5 per cent. of his pensionable pay:

Provided that in the case of a person who has previously retired from service as a regular fireman, otherwise than with an ill-health pension, and resumed service as such later than a year after that retirement this paragraph shall have effect only if he is such a person as is mentioned in paragraph (3) by reason of his being entitled to reckon pensionable service by virtue of such service or employment as is there mentioned which he entered after his previous retirement.

Method of payment of pension contributions

40. The pension contributions upon each instalment of pay shall fall due at the same time as that instalment and may, without prejudice to any other method of payment, be discharged by way of a deduction of an appropriate amount made by the fire authority from the said instalment.

Repayment of contributions on retirement or death

41.—(1) Where a regular fireman retires without a pension or gratuity he shall be entitled to an award by way of repayment of his aggregate contributions.

(2) Where a regular fireman dies while serving as such and either no pension, allowance or gratuity is payable in respect of his death or the aggregate of—

(a) any gratuity so payable; and

(b) the actuarial value of any widow's pension or child's allowance so payable (calculated in accordance with the tables prepared from time to time by the Government Actuary),

is less than his aggregate contributions, an award shall be made to his estate by way of repayment of his aggregate contributions or of so much thereof as represents the difference, as the case may be.

Repayment of contributions on dismissal

42. Where a regular fireman is dismissed from the brigade, the fire authority may in their discretion—

(a) repay to him his aggregate contributions wholly or in part;

(b) apply his aggregate contributions wholly or in part for the benefit of his dependants;

(c) retain his aggregate contributions wholly or in part.

PART VI

DETERMINATION OF QUESTIONS AND APPEALS

General functions of fire authority

43.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and if so what awards shall be determined in the first instance by the fire authority.

(2) Subject to the provisions of this Scheme, the fire authority shall consider the medical evidence of at least one duly qualified medical practitioner selected by the authority before determining for the purposes of this Scheme—

(a) whether a person has been incapacitated for the performance of his duty as a fireman by infirmity of mind or body;

(b) whether any such incapacity is likely to be permanent;

(c) whether a person's incapacity has been occasioned by a qualifying injury;

- (d) whether a person has become capable of performing the duties of a fireman ;
- (e) the extent to which a person has been disabled ;
- (f) any other question which ought to be determined in whole or in part on medical grounds :

Provided that where an authority are unable to obtain such evidence by reason of the refusal or the wilful or negligent failure of any person to submit to medical examination by a duly qualified medical practitioner selected by the authority, the authority may dispense with such evidence and may give such decision on the question at issue as they may in their discretion choose to give, either without medical evidence or upon such medical evidence as they think fit.

Appeal against opinion of fire authority's medical practitioner

44.—(1) Where for the purposes of any decision which falls to be made by a fire authority under this Scheme any person is medically examined by a medical practitioner selected by the authority, the opinion of the practitioner shall be given in writing to the authority.

(2) If within 14 days of being informed by the fire authority of the decision the said person applies to the authority for a copy of the opinion, the authority shall supply him with a copy thereof.

(3) If he is dissatisfied with the opinion of which a copy has been so supplied to him, he may, subject to and in accordance with the provisions of Schedule 7, appeal against the opinion to an independent person nominated by the Secretary of State (hereinafter referred to as a "medical referee").

(4) A fire authority shall be bound by any decision on a medical question duly given on any such appeal.

Appeal against decision of fire authority

45.—(1) Where any person claims that he is entitled to an award or to any payment on account of an award and the fire authority do not admit the claim at all, or do not admit the claim to the full extent thereof, the person aggrieved may apply to the fire authority for reconsideration of the case, and, if aggrieved by the decision on such reconsideration, may appeal to the next practicable court of quarter sessions for any county or borough which constitutes, or is wholly or partly included in, the area of the fire authority.

(2) Subject as hereinafter provided, a court of quarter sessions may, on an appeal under paragraph (1), make such order or declaration as appears to the court to be just.

(3) Nothing in this Article shall authorise a court of quarter sessions—

- (a) to make an order or declaration controlling or restricting the exercise of any discretion which by this Scheme is vested in a fire authority ;
- (b) to reopen any decision on a medical question which has been given on an appeal under Article 44 ; or
- (c) to question any certificate of pensionable service which is deemed to be conclusive by Article 36 of this Scheme, by Article 34 of the Firemen's Pension Scheme 1956(a) or by Article 19D of the Firemen's Pension Scheme 1952(b), as set out in Article 3 of the Firemen's Pension Scheme Order 1953(c).

(4) Subject to and in accordance with rules of court, an appeal on a point of law from a decision of a court of quarter sessions under this Article shall lie to the High Court.

(5) In the application of this Article to Scotland, for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a regular fireman, and for any reference to the High Court there shall be substituted a reference to the Court of Session.

(a) See S.I. 1956/1022 (1956 I, p. 953). (b) See S.I. 1952/944 (1952 I, p. 1003).
(c) S.I. 1953/1385 (1953 I, p. 778).

PART VII

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

Payment of awards generally

46.—(1) An award which is payable to or in respect of a person by reason of his having been employed as a regular fireman shall be payable by the fire authority by whom he was last employed as such.

(2) An award which is payable to or in respect of a person by reason of his having received an injury while employed as a member of a brigade otherwise than as a regular fireman, shall be payable by the fire authority by whom he was employed when he received the injury.

(3) Subject to the provisions of this Scheme, every pension or allowance shall be payable in respect of each week and shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the fire authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the fire authority may determine.

(4) Where a person dies after receiving a sum paid in advance on account of a pension or allowance, no claim for repayment shall be made on the ground that the said sum or any part thereof is referable to a period after his death.

(5) Where a widow remarries after receiving a sum paid in advance on account of a pension, no claim for repayment shall be made on the ground that the said sum or any part thereof is referable to a period after her remarriage.

(6) A pension or allowance payable to the widow, child or dependant of a fireman shall be payable as from his death, or, in the case of an allowance payable to a posthumous child as from the birth of the child, except—

(a) where the fireman was in receipt of a pension and he died during a period in respect of which he had already received his pension, in which case the pension or allowance shall not be payable before the end of that period ;

(b) where the fireman received an ill-health gratuity, in which case the pension or allowance shall be payable as from the first anniversary of his death or such earlier date as the fire authority, in the circumstances of the case, think fit.

(7) Subject to the provisions of this Scheme, every gratuity shall be paid in one sum:

Provided that where a fire authority are satisfied that it would be to the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

(8) Without prejudice to the provisions of any such regulations as are mentioned in section 10(5) of the National Insurance Act 1959(a) and for the time being in force, where a regular fireman is entitled under Article 41 to an award by way of repayment of his aggregate contributions the fire authority shall be under no obligation to make payment until the expiration of a year from the date of his retirement or until he requests payment, whichever first occurs.

Payment of awards in special cases

47.—(1) Where any sum is due on account of a pension, and any debt is due to the fire authority from the pensioner, so much of the said sum as does not exceed the debt may be applied by the authority in or towards the satisfaction of the debt:

Provided that where the pension is an ordinary, ill-health or short service pension, and the sum due is in respect of a period beyond the age of 65 years, only so much of the sum as is due on account of the unsecured portion of the pension may be applied as mentioned in this paragraph.

(2) If it appears to the fire authority that a pensioner is by reason of mental disorder or otherwise incapable of managing his affairs, the authority may in their discretion pay the pension or any part thereof to any person having the care of the pensioner, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) On the death of a person to whom or to whose estate a sum not exceeding £200 is due on account of a pension, the fire authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased, or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where any sum is payable to a minor on account of a pension, the authority may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the fire authority, apply the said sum for the minor's benefit.

(5) Every assignment or charge on a pension shall be void to the extent that—

- (a) it is in favour of a person other than a relative of the pensioner, or
- (b) it relates to a sum due to an ordinary, ill-health or short service pensioner, in respect of a period beyond the age of 65 years, on account of the secured portion of the pension.

(6) A pension shall not pass to a trustee in bankruptcy or any other person acting on behalf of creditors of the pensioner.

(7) This Article shall apply with respect to awards other than pensions as it applies with respect to pensions, and accordingly any reference in this Article to a pension shall be construed as including a reference to any such award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any such award is payable.

(8) In the application of this Article to Scotland—

- (a) the reference in paragraph (3) to the personal estate of the deceased shall be construed as a reference to his movable estate ;
- (b) any reference in paragraph (4) to a minor shall be construed as including a reference to a pupil.

Payment of transfer values

48. Where a regular fireman retires or has retired from a brigade and after again becoming such a fireman in another brigade becomes entitled under Article 31(1) to reckon as pensionable service the period of pensionable service he was entitled to reckon on retiring, the fire authority maintaining the first-mentioned brigade shall pay to the fire authority maintaining the other brigade a sum by way of transfer value calculated in accordance with Schedule 8.

Expenses and receipts of fire authorities

49.—(1) Every fire authority shall maintain an account showing all sums received or paid by the authority under, or for the purposes of, this Scheme, the Firemen's Pension Scheme 1956, the Firemen's Pension Scheme 1952 or the Firemen's Pension Scheme 1948.

(2) The account mentioned in paragraph (1) shall be separate from any account maintained by the fire authority which shows sums received or paid by the authority (not being such sums as are there mentioned) other than sums received or paid under rules made by virtue of section 9 of the Fire Services Act 1959(a), or payments in lieu of contributions made in respect of regular firemen.

(3) Where in any year the receipts credited to the account mentioned in paragraph (1) exceed the payments debited thereto, the balance may be transferred to a pension reserve account.

(4) Where in any year the payments debited to the account mentioned in paragraph (1) exceed the receipts credited thereto, the balance shall be met out of the pension reserve account to the extent thereof.

(5) In this Article the expression "year" means a year beginning on the anniversary of the appointed day.

PART VIII

SERVICEMEN

Awards to servicemen

50.—(1) This Article shall apply in the case of a serviceman who at the end of his period of relevant service in the armed forces is incapacitated by infirmity of mind or body for the performance of duty as a regular fireman if it appears that the incapacity is likely to be permanent.

(2) Such a person shall be entitled to the same award on the same conditions in all respects as if he had retired from his former brigade at the end of the said period on the ground that he had been so incapacitated.

(3) Where the infirmity of mind or body is occasioned by an injury received during the person's period of relevant service in the armed forces or by a qualifying injury, the fire authority may, in their discretion—

(a) pay him, in lieu of a gratuity, a pension at the rate of a twelfth of his average pensionable pay; and

(b) increase any pension payable under this Article, so however that the increased pension, when aggregated with any service pension other than an allowance for constant attendance, wear and tear of clothing, or comforts, shall not be payable at a rate exceeding that of the aggregate of the pensions to which he would have been entitled had the injury been treated, for the purposes of the preceding paragraph, as if it were a qualifying injury.

Awards on death of servicemen

51.—(1) This Article shall apply in the case of a serviceman who—

(a) dies during his period of relevant service in the armed forces; or

(b) having been incapacitated for duty as a regular fireman at the end of the said period and the incapacity having appeared likely to be permanent (without any intervening period of service as such a fireman) dies from the effects of the injury that resulted in his incapacity or while in receipt of a pension.

(2) Such a person's widow shall—

(a) if he was entitled to reckon 3 years' pensionable service, be entitled to a pension as though he were a person mentioned in Article 10(1); or

(b) if she is not so entitled to a pension and if her husband died during his period of relevant service in the armed forces, be entitled to a gratuity under Article 10(3) as though he died while serving as a regular fireman.

(3) Any child of such a person shall be entitled to an allowance as though he were mentioned in Article 16.

(4) Subject to paragraphs (5) and (6), where such a person dies from the effects of an injury received during his period of relevant service in the armed forces or of a qualifying injury, the fire authority may, in their discretion—

(a) pay to the widow, in lieu of a gratuity, a pension at the rate of £77 a year; and

(b) increase any pension or allowance payable under this Article, so however that the increased award, when aggregated with any service pension payable

to or for the widow or child, as the case may be, in respect of the serviceman, shall not be payable at a rate exceeding that of the award to which the widow or child, as the case may be, would have been entitled had the serviceman died from the effects of a qualifying injury, ignoring any increase in accordance with the provisions of Schedule 4.

(5) In any case in which the rate of payment specified in paragraph (4)(a) falls to be increased under any of the relevant Pensions (Increase) Acts, otherwise than under section 2 of the Pensions (Increase) Act 1962(a), paragraph (4)(a) shall have effect as if for the rate of £77 a year there were substituted such lower rate as, together with the increase, yields a pension at the rate of £77 a year.

(6) Where an award is increased under paragraph (4)(b) the amount thereof shall be further increased in accordance with Schedule 4.

Gratuities for dependants other than widows and children

52. In relation to a serviceman who dies during his relevant service in the armed forces, Article 22 shall apply as though he died while serving as a regular fireman.

Servicemen who resume service as regular firemen

53. If a serviceman who resumes service as a regular fireman—

(a) is incapacitated for the performance of his duties as such and the incapacity appears likely to be permanent ; or

(b) dies (whether while serving as such a fireman or otherwise),

as a result of an injury received during his period of relevant service in the armed forces, the fire authority may, in relation to any award payable to or in respect of him, exercise the like discretions as are conferred on them by Article 50 or by Article 51.

Servicemen who do not resume service in their former brigade

54. If a serviceman within one month of the end of his period of relevant service in the armed forces does not resume service in his former brigade, he shall be treated for the purposes of Articles 13, 20, 27, 31, 38, 41 and 66 as having left his former brigade at the end of that period :

Provided that he may apply to the fire authority for the consent mentioned in Article 31(2) at any time within a month of the end of the said period.

Pensionable service, contributions and pay

55.—(1) A serviceman shall be entitled to reckon his period of relevant service in the armed forces as pensionable service in his former brigade for the purposes of this Scheme.

(2) A serviceman shall pay pension contributions to the fire authority of his former brigade in respect of his period of relevant service in the armed forces as though he had remained a regular fireman in that brigade :

Provided that pension contributions shall not be payable by a serviceman in respect of any period during which he is in receipt of service pay which when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b) is less than his pensionable pay.

(3) For the purpose of calculating pensionable pay, a serviceman shall be deemed to receive during his period of relevant service in the armed forces the pay which he would have received if he had continued to serve in his former brigade.

Servicemen deemed not to have retired

56. Except where the context otherwise requires, a reference in this Scheme to a regular fireman retiring or ceasing to be such does not include a reference to his so doing for the purpose of undertaking relevant service in the armed forces.

Application to regular firemen with war service

57.—(1) Articles 51 and 53 shall apply in the case of a regular fireman who received any injury during a period of war service at a time when section 1 of the Police and Firemen (War Service) Act 1939(a) applied to him as they apply in the case of a serviceman and as if any reference therein to a period of relevant service in the armed forces were a reference to a period of war service.

(2) In this Article any reference to “a period of war service” is a reference to a period of service in the armed forces of the Crown or to a period, beginning before 1st January 1948 and ending before 1st April 1948, of work which the Secretary of State directed should be treated as war work for the purpose of Regulation 60DA of the Defence (General) Regulations 1939, and the reference to the Police and Firemen (War Service) Act 1939 includes a reference to that Act as extended by the said Regulation 60DA.

PART IX

MEMBERS OF BRIGADES WHO ARE NOT REGULAR FIREMEN

Awards to and in respect of whole-time firemen

58.—(1) Where, while in attendance at a fire and without his own default, a whole-time member of a brigade who is not a regular fireman suffers or has suffered any injury in the execution of his duties as a member of the brigade, the provisions of this Article shall have effect in his case.

(2) If he retires in consequence of the injury, the fire authority may grant him such pension as they think fit, so however that the said pension, when aggregated with any additional benefit which may be payable to him, shall not exceed the minimum injury award which would have been appropriate in his case had he been a regular fireman of the rank of fireman and retired on account of a qualifying injury during his first year of service.

(3) If he dies from the effects of the injury, either before or after retiring from the brigade, the fire authority may grant his widow or child such pension or allowance, as the case may be, as they think fit, so however that the said pension or allowance, when aggregated with any additional benefit which may be payable to the recipient, shall not exceed the pension or allowance which would have been payable had he been a regular fireman of the rank of fireman who died or retired during his first year of service and died from the effects of a qualifying injury, any increase in accordance with Schedule 4 being ignored.

(4) The amount of a pension or allowance granted under the last foregoing paragraph shall be increased in accordance with Schedule 4.

(5) In this Article the expression “additional benefit” means any periodical payments of whatever nature which are made by the fire authority, otherwise than under this Article, by any other local authority or by a Minister of the Crown otherwise than by way of an increase in a disablement pension payable under section 15 of the National Insurance (Industrial Injuries) Act 1946(b) where constant attendance is needed, so however that in paragraph (3) the said expression does not include any benefit payable under the National Insurance Acts 1946.

(6) Article 4(3) (which relates to disablement gratuities under the National Insurance (Industrial Injuries) Act 1946) shall apply for the purposes of this Article as it applies for the purposes of Article 4.

(7) This Article shall have effect in the case of a woman member of a brigade subject to Article 63(1).

Payment of contributions by retained firemen

59.—(1) Every part-time member of a brigade, being a retained fireman, shall pay an annual contribution to the fire authority which shall fall due at the same time as his annual retaining fee and may, without prejudice to any other method

of payment, be discharged by way of a deduction made by the authority from the said fee.

(2) The annual contribution to be paid under paragraph (1) shall be—

- (a) 16s. in the case of a man holding the rank of fireman ;
- (b) 19s. in the case of a man holding the rank of leading fireman ;
- (c) £1 1s. in the case of a man holding the rank of sub-officer ;
- (d) £1 5s. in the case of a man holding the rank of station officer ;
- (e) £1 8s. in the case of a man holding any higher rank ;
- (f) 4s. in the case of a woman.

(3) In this Article any reference to a man's rank is a reference to his rank at the time the annual contribution falls due.

Part-time firemen : injury award

60.—(1) Where a part-time member of a brigade is incapacitated for the performance of his duty as such a member by infirmity of mind or body occasioned by an injury received without his own default in the execution of his duties as such a member and it appears that the incapacity is likely to be permanent, he shall on retiring on that account be entitled to an injury award as hereinafter provided.

(2) The award under paragraph (1) shall consist of an ill-health pension and a special pension which shall be payable at the like rates and be subject to the like conditions as they would have been if the part-time member concerned had been such a regular fireman as is mentioned in Article 63(2) and had retired on account of a qualifying injury ; and, accordingly, Articles 3, 4, 6, 7, 8 and 73 shall have effect subject to any necessary modifications.

Widow of part-time fireman : injury pension

61.—(1) Where a part-time member of a brigade dies from the effects of an injury received without his own default in the execution of his duties as such a member or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to a widow's injury pension as hereinafter provided.

(2) Where the part-time member last ceased to serve as such on or after 1st August 1964, the injury pension under paragraph (1) shall be a widow's special pension payable at the like rate and subject to the like conditions as it would have been had he been such a regular fireman as is mentioned in Article 63(2) and died from the effects of a qualifying injury ; and, accordingly, Articles 11, 12, 13, 14 and 15 shall have effect subject to any necessary modifications.

(3) Where the part-time member last ceased to serve as such before 1st August 1964, the injury pension under paragraph (1) shall, subject to Article 63(3), be payable—

- (a) for such period as she is under the age of 40 years, at the rate of 25s. 3d. a week ;
- (b) for such period as she is of the age of 40 years or over but under the age of 50 years, at the rate of 37s. 10d. a week ;
- (c) for such period as she is of the age of 50 years or over or has a child in receipt of an injury allowance under Article 62, at the rate of 50s. 5d. a week ;

and in relation to the pension Articles 12, 13, 14 and 15 shall have effect subject to any necessary modifications :

Provided that the said pension shall not exceed that which would have been payable had it fallen to be calculated in accordance with paragraph (2).

Child of part-time fireman : injury allowance

62.—(1) Where a part-time member of a brigade dies as mentioned in Article 61(1), any child of his shall be entitled to, or, in the case of a woman member, any child of hers may be granted, a child's injury allowance as hereinafter provided.

(2) Where the part-time member last ceased to serve as such on or after 1st August 1964, the injury allowance under paragraph (1) shall be a child's special allowance payable, subject to paragraph (4), at the like rate and subject to the like conditions as it would have been had he been such a regular fireman as is mentioned in Article 63(2) and died from the effects of a qualifying injury; and accordingly Articles 17, 18, 19, 20 and 21 shall have effect subject to any necessary modifications.

(3) Where the part-time member last ceased to serve as such before 1st August 1964, the injury allowance under paragraph (1) shall, subject to Article 63(3), be payable—

- (a) where the member is a man, at the rate of 13s. 5d. a week;
- (b) where the member is a woman, at such rate as the fire authority from time to time think fit, not exceeding 10s. 1d. a week if and so long as the child's father is living and not exceeding 13s. 5d. a week if the child has no parent living;

and in relation to the allowance Articles 18, 19 and 20 shall have effect subject to the necessary modifications:

Provided that the said allowance shall not exceed that which would have been payable had it fallen to be calculated in accordance with paragraph (2).

(4) This Article shall have effect in the case of a woman member of a brigade subject to Article 63(1) and in such case an allowance which falls to be calculated in accordance with paragraph (2) shall be payable at such rate as the fire authority from time to time think fit, not exceeding the rate at which it would have been payable but for this paragraph.

Auxiliary provisions

63.—(1) In the case of a woman member of a brigade who is not a regular fireman this Part of this Scheme shall have effect—

- (a) as if for any reference in Article 58(2) or (3) to the rank of fireman there were substituted a reference to the rank of firewoman;
- (b) as if for any reference in Article 58(3) or 62(1) to a child there were substituted a reference to a child of the member substantially dependent upon her at the time of her death;
- (c) as if in Article 20—
 - (i) for any reference to the father or step-father there were substituted a reference to the mother or step-mother as the case may be;
 - (ii) for the reference to the mother there were substituted a reference to the father.

(2) For the purposes of the injury pension or allowance payable to or in respect of a part-time member of a brigade, any reference in this Part of this Scheme to a regular fireman is a reference to such a fireman who—

- (a) held the same rank as the part-time member in fact held and had the same service in that rank, and
- (b) was entitled to reckon as pensionable service a period equal to the part-time member's service as such.

(3) In any case in which the rate of widow's injury pension or child's injury allowance specified in Article 61(3) or, as the case may be, Article 62(3) falls to be increased under any of the relevant Pensions (Increase) Acts, otherwise than under section 2 of the Pensions (Increase) Act 1962, the provision in question shall have effect as if for the rate specified there were substituted such lower rate as, together with the increase, yields a pension at the specified rate.

(4) The provisions of Article 28 and of Parts VI, VII and XII of this Scheme (in so far as they are applicable) shall apply to a member of a fire brigade who is not a regular fireman and to a pension or allowance granted to or in respect of him, but, save as provided in this Part of this Scheme, the provisions of this Scheme shall not apply to such a member or to such a pension or allowance.

PART X

PERSONS WHO ARE NOT MEMBERS OF BRIGADES

Temporary employment in connection with the provision of fire services

64.—(1) This Article shall apply in the case of a person who ceases or has ceased to perform duties as a regular fireman in order to enter temporary employment on duties connected with the provision of fire services, being—

- (a) employment as an instructor at the central training institution or any training centre maintained by the Secretary of State ;
- (b) employment as an inspector, assistant inspector or other officer appointed under section 24 of the principal Act ;
- (c) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training in fire-fighting of members of the armed forces of the Crown ; or
- (d) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in such an overseas territory as is mentioned in paragraph (3).

(2) In the case of such a person as is mentioned in paragraph (1), the employment therein mentioned (hereafter in this paragraph referred to as “the relevant employment”) shall be treated for the purposes of this Scheme as employment as a member of a brigade and this Scheme shall apply in relation to that employment as if—

- (a) he were a regular fireman and his duties were his duties as such ;
- (b) his pay and rank were the same as they would have been had he not ceased to perform duties as such a fireman or, where section 10 of the Fire Services Act 1959 applies in his case, the same as his pay and rank as a member of a fire brigade ;
- (c) any reference to a brigade were a reference to the relevant employment ;
- (d) any reference to a fire authority were a reference to the Secretary of State ;
- (e) the reference to a court of quarter sessions in Article 45(1) were a reference to the court of quarter sessions for any county or borough which constitutes or is wholly or partly included in the area of the fire authority by whom he was employed immediately before entering the relevant employment ;
- (f) the reference to the sheriff in Article 45(5) were a reference to the sheriff having jurisdiction in the place where he served as a fireman immediately before entering the relevant employment ; and
- (g) Articles 49, 71 and 72 were omitted.

(3) The overseas territory referred to in paragraph (1)(d) is any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948(a), or a country mentioned in section 1(3) of that Act, or, where appropriate, the territory or country wherein such a territory or country was incorporated after the inception of the employment.

Permanent employment as an instructor

65.—(1) This Article shall apply in the case of a person who ceases or has ceased to perform duties as a regular fireman in order to enter employment on duties connected with the provision of fire services, being permanent employment as an instructor at the central training institution or any training centre maintained by the Secretary of State.

(2) In the case of such a person as is mentioned in paragraph (1), the employment therein mentioned (hereafter in this paragraph referred to as “the relevant employment”) shall be treated for the purposes of this Scheme as employment

as a member of a brigade and this Scheme shall apply in relation to that employment as if—

- (a) he were a regular fireman and his duties were his duties as such ;
- (b) any reference to a brigade were a reference to the relevant employment ;
- (c) any reference to a fire authority were a reference to the Secretary of State ;
- (d) the reference to a court of quarter sessions in Article 45(1) were a reference to the court of quarter sessions for any county or borough in which the central training institution or, as the case may be, training centre, is situate ;
- (e) the reference to the sheriff in Article 45(5) were a reference to the sheriff having jurisdiction in the place where the central training institution is situate ; and
- (f) Articles 49, 71 and 72 were omitted.

PART XI

PERSONS WHO WERE SERVING ON 10TH JULY 1956

Modification of Scheme

66.—(1) Subject to paragraph (3), this Article shall apply to a regular fireman who is, on 1st August 1964, such a fireman or a serviceman performing relevant service in the armed forces and—

- (a) was, on 10th July 1956, a regular fireman or such a serviceman ; or
- (b) was, on 10th July 1956, in receipt of an ill-health pension and subsequently, but before 1st August 1964, resumed service in his brigade in the circumstances and within the period mentioned in Article 6(3),

not being a person who exercised his right of election under Article 60 of the Firemen's Pension Scheme 1956 or to whom that Article ceased to apply.

(2) In the case of a regular fireman to whom this Article applies this Scheme shall have effect subject to the modifications set out in Schedule 9.

(3) Where a regular fireman to whom this Article applies ceases to serve as such in any particular brigade, this Article shall not apply to him in relation to any subsequent period during which he serves as a regular fireman in the same or another brigade unless he becomes entitled under Article 31(1) or (3) to reckon as pensionable service the period which was so reckonable on his ceasing to serve.

PART XII

MISCELLANEOUS PROVISIONS AND INTERPRETATION

Auxiliary firemen not subject to Scheme

67.—(1) This Scheme shall not apply in relation to a member of a brigade who is an auxiliary fireman.

(2) In this Article the expression "auxiliary fireman" means a member of a brigade who is enrolled for service therein which is restricted except in a war emergency to such duties as are desirable for training.

Exclusive application of Scheme in relation to regular firemen

68. Subject to the provisions of section 27 of the principal Act, the provisions of this Scheme and, in so far as they continue to have effect, of the Firemen's Pension Scheme 1956, the Firemen's Pension Scheme 1952 and the Firemen's Pension Scheme 1948 shall have effect in relation to regular firemen, their wives and dependants to the exclusion of any provision for pension allowance

or gratuity in respect of a person's employment as such a fireman contained in or in force under any enactment:

Provided that nothing in this Article shall affect the operation of—

- (a) any such provision in respect of a person's employment or service otherwise than as a member of a brigade which is treated for the purposes of this Scheme as employment as a regular fireman ; or
- (b) the National Insurance Acts 1946.

Application of Scheme in cases of compulsory transfer

69. In relation to a member of a fire brigade who is transferred to, or otherwise becomes a member of another fire brigade—

- (a) by virtue of an order under Part VI of the Local Government Act 1933(a), Part II of the Local Government Act 1958(b) or section 85 of the London Government Act 1963(c), or
- (b) by virtue of a scheme made under section 5, 6 or 9 of the principal Act or, in Scotland, by or under an order made under section 36(8) of the principal Act ;

this Scheme shall apply as though the brigade to which he is transferred and the authority maintaining that brigade were, respectively, the same brigade and authority as the brigade from which he is transferred and the authority maintaining that brigade.

Application of Scheme where modified by section 27 of principal Act

70.—(1) This Article shall apply in the case of a person in relation to whom this Scheme is modified as mentioned in section 27(3) of the principal Act.

(2) Where such a person as aforesaid is entitled to both an ill-health and a special pension, then, for the purposes of Articles 9, 23, 24 and 25, his entitlement to, and the amount of, the ill-health pension shall be deemed to be the same as they would have been had he not been entitled to a special pension.

(3) Where in relation to such a person as aforesaid this Scheme is modified by reference to regulations made under either the Metropolitan Fire Brigade Act 1865(d) or the West Ham Corporation Act 1925(e), Article 9(1) shall apply in relation to him as if for the reference to 30 years' pensionable service there were substituted a reference to 28 years' pensionable service.

Age of compulsory retirement

71.—(1) Subject to paragraph (2), retirement shall be compulsory for a male whole-time member of a brigade appointed on terms under which he is or may be required to engage in fire-fighting—

- (a) in the case of a member of the rank of assistant divisional officer or any higher rank, on attaining the age of 60 years ; and
- (b) in the case of a member of the rank of station officer or any lower rank, on attaining the age of 55 years,

except that in special cases the fire authority may extend any such member's service for a further period on being satisfied that such extension would be in the interests of efficiency.

(2) Nothing in paragraph (1) shall apply to a member in whose case any regulations made for the purposes set out in paragraph 7 of the Schedule to the Fire Services (Emergency Provisions) Act 1941(f) had effect immediately before 1st April 1948 unless and until—

- (a) he is entitled without a medical certificate to retire and receive a pension at the rate of 2 thirds of his average pensionable pay ; or

(a) 23 & 24 Geo. 5. c. 51.
(c) 1963 c. 33.
(e) 15 & 16 Geo. 5. c. cxii.

(b) 6 & 7 Eliz. 2. c. 55.
(d) 28 & 29 Vict. c. 90.
(f) 4 & 5 Geo. 6. c. 22.

(b) he elects that the provisions of paragraph (1) should apply to him, by notice in writing to the fire authority maintaining the brigade of which he is a member.

(3) Subject to paragraph (4), retirement shall also be compulsory for any male whole-time member of a brigade who has attained the age of 50 years and completed 25 years' pensionable service if he is required to retire by the fire authority on the grounds that his retention in the brigade would not be in the general interests of its efficiency.

(4) Nothing in paragraph (3) shall apply to a member of the brigade in whose case the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941(a), the National Fire Service (Preservation of Pensions) (Birmingham and Leicester) Regulations 1941(b) or the National Fire Service (Preservation of Pensions) (Bolton and Derby) Regulations 1941(c) had effect immediately before 1st April 1948, or to a member who, immediately before 18th August 1941, was a professional fireman within the meaning of the Fire Brigade Pensions Act 1925(d) as amended by the Fire Brigades Act 1938(e) and in whose case the National Fire Service (Preservation of Pensions) (General Pension Funds) Regulations 1941(f) had effect immediately before 1st April 1948.

(5) This Article shall apply to a member of a Scottish fire brigade as if paragraphs (2) and (4) were omitted, but nothing in this Article shall apply to such a member in whose case any regulations made for the purposes set out in paragraph 7 of the Schedule to the Fire Services (Emergency Provisions) Act 1941 had effect immediately before 16th May 1948, unless and until—

(a) he could have been compelled to retire under the statutory provisions or regulations applicable to him immediately before 18th August 1941, or

(b) he elects that the provisions of paragraph (1) should apply to him, by notice in writing to the fire authority maintaining the brigade of which he is a member.

Compulsory retirement on grounds of incapacity

72. A regular fireman may be required to retire on the date on which the fire authority determine he ought to retire on the ground that he is incapacitated for the performance of his duty by infirmity of mind or body and that the incapacity is likely to be permanent:

Provided that a retirement in accordance with this Article shall be void if after the said date, on an appeal against the medical opinion on which the fire authority acted in determining that he ought to retire, the medical referee decides that the appellant is not incapacitated as aforesaid.

Assessment of disablement

73.—(1) For the purposes of this Scheme the extent to which a person is disabled shall be determined by reference to the extent to which his earning capacity has been affected, and a person shall be deemed to be totally disabled if, and only if, he is incapable, by reason of infirmity of mind or body, of earning any money in any employment.

(2) For the purposes of this Article a person shall be treated as incapable of earning any money in any employment, notwithstanding that the infirmity of mind or body is not such as to prevent him being capable of work, if it is likely to prevent his earnings exceeding £104 in a year.

Meaning of "regular fireman"

74. In this Scheme the expression "regular fireman" means—

(a) a whole-time member of a brigade who was appointed on terms under which he is or may be required to engage in fire-fighting, not being a person whose employment is temporary only; or

(a) S.R. & O. 1941/1271 (1941 I, p. 328).

(c) S.R. & O. 1941/1274 (1941 I, p. 342).

(e) 1 & 2 Geo. 6. c. 72.

(b) S.R. & O. 1941/1273 (1941 I, p. 337).

(d) 15 & 16 Geo. 5. c. 47.

(f) S.R. & O. 1941/1270 (1941 I, p. 325).

- (b) a whole-time member of a brigade who—
- (i) was, immediately before the appointed day, subject to the Fire Brigade Pensions Act 1925 ;
 - (ii) became, on that day, a whole-time member of a brigade serving the whole or any part of the area of the local authority by whom he was last employed as a member of a fire brigade before the appointed day ; and
 - (iii) has not since the appointed day ceased to be a whole-time member of that brigade.

Meaning of "qualifying injury"

75. In this Scheme the expression "qualifying injury" means an injury received by a person without his own default in the execution of his duties—

- (a) as a regular fireman ;
- (b) as a professional fireman within the meaning of the Fire Brigade Pensions Act 1925, whether or not a member of the London Fire Brigade, or as a member of a police force employed whole-time on fire brigade duties within the meaning of the Fire Brigades Act 1938 ; or
- (c) as a whole-time member of the National Fire Service to whom the National Fire Service (Preservation of Pensions) (Act of 1925) Regulations 1941(a), the National Fire Service (Preservation of Pensions) (London and West Ham) Regulations 1941(b), the National Fire Service (Preservation of Pensions) (Birmingham and Leicester) Regulations 1941, the National Fire Service (Preservation of Pensions) (Bolton and Derby) Regulations 1941 or the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 applied.

Meaning of infirmity or death occasioned by an injury

76.—(1) A person shall be deemed for the purposes of this Scheme to have died from the effects of a particular injury if it appears that if he had not suffered that injury he would not have died at the time he in fact died.

(2) Infirmity of mind or body shall be deemed for the purposes of this Scheme to be occasioned by a particular injury—

- (a) where a person dies while serving as a fireman, if it appears that the injury has so substantially aggravated the infirmity of mind or body that if he had not received that injury he would not have died at the time he in fact died ;
- (b) where a person has ceased to be a fireman, if it appears that the injury has so substantially aggravated the infirmity of mind or body that if he had not received that injury he would not have had to retire at the time when he in fact retired.

Meaning of "aggregate contributions"

77.—(1) In this Scheme the expression "aggregate contributions" means in relation to a regular fireman—

- (a) all payments made by him to a fire authority under this Scheme, the Firemen's Pension Scheme 1956, the Firemen's Pension Scheme 1952 or the Firemen's Pension Scheme 1948 (including payments made by way of rateable deductions from pay and payments made in pursuance of an undertaking) which relate to a period of service he is entitled to reckon as pensionable service for the purposes of this Scheme and have not been refunded to him ; and

(a) S.R. & O. 1941/1268 (1941 I, p. 320).

(b) S.R. & O. 1941/1272 (1941 I, p. 333).

(b) the amount of any award by way of return of contributions which would have been made to him at the end of any period of service or employment, otherwise than as a regular fireman, by virtue of which he was subject to superannuation arrangements, being a period which he is entitled to reckon as pensionable service for the purposes of this Scheme, had he then voluntarily retired in circumstances entitling him to such an award under those arrangements.

(2) In this Article the expression "award by way of return of contributions" shall include—

- (a) a payment under section 18 of the Fire Brigade Pensions Act 1925 ;
- (b) a payment under section 10 of the Local Government Superannuation Act 1937(a) ;
- (c) a payment under section 10 of the Local Government Superannuation (Scotland) Act 1937(b) ;
- (d) a payment under section 12 of the Teachers (Superannuation) Act 1925(c) ;
- (e) any analogous payment.

Meaning of reference to awards

78.—(1) Except where the context otherwise requires and subject to paragraph (2), any reference in this Scheme to a pension or other award is a reference to a pension or other award, as the case may be, under this Scheme.

(2) Any reference to a pension or other award to a regular fireman in Articles 10(1), 16(1), 22(1), 31, 32, 39(4), 46(6), 51(1) or 66(1) includes a reference to a pension or other award, as the case may be, under the Firemen's Pension Scheme 1956, the Firemen's Pension Scheme 1952 or the Firemen's Pension Scheme 1948.

(3) Any reference in this Scheme to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under Article 24.

Meaning of certain expressions related to the operation of the National Insurance Acts

79.—(1) In this Scheme the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act 1959:—

- "employed contributor's employment" ;
- "graduated contribution" ;
- "graduated retirement benefit" ;
- "non-participating employment" ;
- "payment in lieu of contributions" .

(2) In this Scheme any reference to a participating period of relevant employment is a reference to a period of employed contributor's employment after 5th April 1961 and before insured pensionable age other than—

- (a) relevant service in the armed forces ; and
- (b) non-participating employment at the end of which no payment in lieu of contributions falls to be made,

and for the purposes of this paragraph a period of employed contributor's employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(3) In this Scheme any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return

(a) 1 Edw. 8 & 1 Geo. 6. c. 68.

(b) 1 Edw. 8 & 1 Geo. 6. c. 69.

(c) 15 & 16 Geo. 5. c. 59.

for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) For the purposes of this Scheme, the annual rate of graduated retirement benefit shall be determined as if there were 52½ weeks in each year.

Meaning of certain expressions

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

“appointed day” means, in relation to England, 1st April 1948, and in relation to Scotland, 16th May 1948;

“award” means a pension, allowance, gratuity or award by way of return of aggregate contributions;

“brigade” means a fire brigade maintained under the principal Act;

“child” includes, in relation to any person, a step-child, an illegitimate child and a child adopted by him in pursuance of an adoption order made under the Adoption of Children Act 1926(a), the Adoption of Children (Scotland) Act 1930(b), the Adoption Act 1950(c) or the Adoption Act 1958(d); and the expressions “father”, “mother”, “parent” and “grandparent” shall be construed accordingly;

“fireman” means, subject to paragraph (2), a member of a brigade including a regular fireman;

“former brigade” means the brigade in which a serviceman was serving immediately before undertaking relevant service in the armed forces;

“injury” includes disease;

“principal Act” means the Fire Services Act 1947(e);

“rank” includes the post of chief officer or, in Scotland, of firemaster;

“relative” means wife, widow, parent, grandparent or child, or any person who is a child of such a relative;

“relevant Pensions (Increase) Acts” means the Pensions (Increase) Acts 1944 and 1947(f), the Pensions (Increase) Act 1956(g), the Pensions (Increase) Act 1959(h) and the Pensions (Increase) Act 1962;

“relevant service in the armed forces” means—

(a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, other than service specified in sub-paragraph (b) of paragraph 5 thereof;

(b) part-time service under the National Service Act 1948(i), otherwise than pursuant to a training notice under that Act; and

(c) service for the purpose of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for a period shorter than 7 days;

“serviceman” means a person who immediately before undertaking relevant service in the armed forces was a regular fireman,

“service pension” means any armed forces pension or allowance payable in pursuance of any Royal Warrant or other instrument.

(a) 16 & 17 Geo. 5. c. 29.

(b) 20 & 21 Geo. 5. c. 37.

(c) 14 Geo. 6. c. 26.

(d) 7 & 8 Eliz. 2. c. 5.

(e) 10 & 11 Geo. 6. c. 41.

(f) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.

(g) 4 & 5 Eliz. 2. c. 39.

(h) 7 & 8 Eliz. 2. c. 50.

(i) 11 & 12 Geo. 6. c. 64.

(2) Any reference in this Scheme to a member of a brigade or regular fireman shall, where appropriate, be construed as, or be construed as including, a reference to a person who has been a member of a brigade or, as the case may be, a regular fireman.

Construction of references to provisions of Scheme

81. In this Scheme, unless the context otherwise requires, a reference to an Article shall be construed as a reference to an Article of this Scheme, a reference to a Schedule shall be construed as a reference to a Schedule to this Scheme, a reference to a paragraph shall be construed as a reference to a paragraph in the same Article or, as the case may be, the same Part of the same Schedule and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph in the same paragraph.

Construction of references to enactments and instruments

82. In this Scheme, unless the contrary intention appears, a reference to any enactment or instrument shall be construed as including a reference to that enactment or instrument as amended, extended or applied by any other enactment or instrument.

Application of the Interpretation Act 1889

83. The Interpretation Act 1889(a) shall apply for the purpose of the interpretation of this Scheme as it applies for the purpose of the interpretation of an Act of Parliament.

Citation

84. This Scheme may be cited as the Firemen's Pension Scheme 1964.

SCHEDULE 1

PART I

Article 1

FIREMAN'S ORDINARY PENSION

Subject as hereafter in this Schedule provided, an ordinary pension shall be of an amount of not more than 40 sixtieths of the fireman's average pensionable pay and, subject as aforesaid, shall be equal to 30 sixtieths of his average pensionable pay with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 25 years.

PART II

Articles 2 and 3

FIREMAN'S SHORT SERVICE OR ILL-HEALTH PENSION

Subject as hereafter in this Schedule provided, a short service or ill-health pension shall be of an amount of not less than a sixtieth nor more than 40 sixtieths of the fireman's average pensionable pay and, subject as aforesaid, shall be equal to a sixtieth of his average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

PART III

Articles 1, 2 and 3

REDUCTION OF FIREMAN'S PENSION AT AGE 65

1.—(1) Subject as hereafter in this paragraph provided, the unsecured portion of an ordinary, ill-health or short service pension shall be reduced in respect of any period beyond the age of 65 years by an amount calculated at an annual rate obtained by multiplying £1 14s. by the number of years specified in sub-paragraph (4).

Sch.1 (contd.)

(2) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 2d. a week less than 5 per cent. of his pensionable pay there shall not be any reduction in the pension under this paragraph.

(3) Subject as hereafter in this paragraph provided, in the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 1s. 2d. a week less than 5 per cent. of his pensionable pay by reason of his having elected so to do as mentioned in Article 39(2) the reduction under sub-paragraph (1) shall be calculated not as therein stated but at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to his age on the appointed day in the first column of the said Table by the number of years specified in sub-paragraph (4):—

TABLE

Age in years	Sum to be multiplied
	£ s. d.
Under 23	1 14 0
23 but under 24	1 13 0
24 " " 25	1 12 0
25 " " 26	1 11 0
26 " " 27	1 10 6
27 " " 28	1 10 0
28 " " 29	1 9 6
29 " " 30	1 9 0
30 " " 31	1 8 6
31 " " 32	1 8 0
32 " " 33	1 7 6
33 " " 34	1 7 0
34 " " 35	1 6 6
35 " " 37	1 6 0
37 " " 38	1 5 6
38 " " 40	1 5 0
40 " " 42	1 4 6
42 " " 44	1 4 0
44 and over	1 3 6

(4) The number of years referred to in sub-paragraph (1) and in sub-paragraph (3), by which the sums therein respectively specified are to be multiplied for the purposes of those sub-paragraphs, is the number of complete years during which the person concerned has served as a regular fireman:

Provided that no account shall be taken of any service which is not reckonable as pensionable service.

(5) In the case of a person who is entitled to reckon a period as pensionable service for the purposes of the pension in question by virtue of service or employment otherwise than as a regular fireman in respect of which he was subject to superannuation arrangements—

(a) if he was subject to the operation of any regulations made under section 69(4) of the National Insurance Act 1946(a) or other provisions modifying the said superannuation arrangements in relation to a person insured under the said Act, otherwise than by virtue of an election made or notice given, then, for the purposes of sub-paragraph (1), sub-paragraph (4) shall apply as though the period he is so entitled to reckon as pensionable service were a period of service as a regular fireman;

Sch. 1 (contd.)

(b) if he was subject to the operation of such regulations or other provisions by virtue of an election made or notice given, then sub-paragraph (3) shall apply in his case as if for the reference therein to his age on the appointed day there were substituted a reference to his age on the date on which the said election or notice became effective and, for the purposes of the said sub-paragraph, sub-paragraph (4) shall apply as though the period he is so entitled to reckon as pensionable service were a period of service as a regular fireman:

Provided that no account shall be taken of any period he is so entitled to reckon as pensionable service which is not attributable to service or employment which would have been taken into account for the purposes of the said regulations or provisions.

(6) The rate of reduction of a pension under this paragraph shall not in any case exceed £51 a year.

2.—(1) Where a person in receipt of an ordinary, ill-health or short service pension has been in service or employment otherwise than as a regular fireman—

(a) in respect of which he was subject to superannuation arrangements;

(b) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and

(c) the period of which includes a participating period of relevant employment, then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act 1959(a) shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) A fire authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by virtue of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, ill-health or short service pension is entitled to reckon as pensionable service for the purposes of the pension a period of employment as a regular fireman which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond the age of 65 years by the annual rate of the graduated retirement benefit which would be payable to the pensioner on the assumption that he retired from regular employment on attaining that age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1).

4.—(1) Where a person in receipt of the secured portion of an ill-health pension (granted under this Scheme or the Firemen's Pension Scheme 1956), the

Sch.1 (*contd.*)

unsecured portion of which has been terminated in the circumstances mentioned in Article 6, is also in receipt of some other pension (being an ordinary, ill-health or short service pension granted under this Scheme) and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension, then the unsecured portion of that other pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of an ordinary, ill-health or short service pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion shall be reduced in respect of any period beyond the age of 65 years by the annual rate of the secured portion of the ill-health pension first mentioned in this paragraph.

Articles 2 and 3

PART IV

FIREMAN'S SHORT SERVICE OR ILL-HEALTH GRATUITY

1. Where the fireman is entitled to reckon at least a year's pensionable service, the short service or ill-health gratuity shall be whichever is the greater of the two following amounts:—

- (a) a twelfth of his average annual pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to reckon; or
- (b) his aggregate contributions.

2. Where the fireman is not entitled to reckon at least a year's pensionable service, the gratuity shall be of an amount equal to his aggregate contributions.

Articles 2 and 3

PART V

REDUCTION OF FIREMAN'S GRATUITY

1. Where a payment in lieu of contributions falls to be made by a fire authority in respect of a regular fireman and—

- (a) a short service gratuity is payable by that authority on his retirement, or
- (b) an ill-health gratuity is so payable and the fire authority determines that the provisions of this Part of this Schedule shall apply,

the gratuity in question shall be reduced by an amount equal to the amount which could be retained out of the gratuity by the fire authority under section 10(4) of the National Insurance Act 1959 if the gratuity were a refund of payments to which that subsection applies.

2. Where a payment in lieu of contributions may fall to be made by a fire authority in respect of a regular fireman and such a gratuity as is mentioned in paragraph 1 is payable as mentioned therein, the fire authority may reduce the amount of the gratuity in question by the amount by which it would be reduced under the said paragraph 1 if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of 78 weeks from the date when the person concerned ceases to be a regular fireman or within such shorter period as the fire authority may determine, then any reduction in the amount of the gratuity under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

Article 4

PART VI

MINIMUM INJURY AWARD

1. The minimum injury award shall be determined by reference to the number of completed years of pensionable service the fireman is entitled to reckon and by reference to his average pensionable pay.

2. Where the fireman is totally disabled, the minimum injury award shall be the amount specified in the second column of the following Table, and where

Sch. 1 (contd.)

the fireman is partly disabled, the minimum injury award shall be such proportion of the amount so specified as the extent of the actual disablement bears to total disablement, so however that it is not less than the lower limit specified in the third column of the said Table:—

TABLE

Fireman's completed years of pensionable service	Minimum injury award on total disablement expressed in 60ths of average pensionable pay	Lower limit of minimum injury award expressed in 60ths of average pensionable pay
Less than 11	40	15
11 but less than 12	40	16
12 " " " 13	40	17
13 " " " 14	40	18
14 " " " 15	41	19
15 " " " 16	41	20
16 " " " 17	42	21
17 " " " 18	42	22
18 " " " 19	43	23
19 " " " 20	43	24
20 " " " 21	44	25
21 " " " 22	44	27
22 " " " 23	45	29
23 " " " 24	45	31
24 " " " 25	46	33
25 " " " 26	46	35
26 " " " 27	47	36
27 " " " 28	47	37
28 " " " 29	48	38
29 " " " 30	49	39
30 or more	50	40

SCHEDULE 2

Article 10

PART I

WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to Scheme I set out below, or where the fireman was entitled to reckon at least ten years' pensionable service, according to whichever of the two Schemes set out below would yield to the widow the higher pension, after taking into account the increase, if any, conferred by virtue of the relevant Pensions (Increase) Acts.

SCHEME I

1. Subject as hereinafter provided, the pension shall be of such amount that the rate of payment is—

- (a) where the husband's last rank was not higher than that of a sub-officer, £77 a year ;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £101 a year ; or
- (c) where the husband's last rank was higher than that of divisional officer (Grade I), £126 a year.

Sch. 2 (contd.)

2. In any case in which the rate of payment specified in the preceding paragraph falls to be increased under any of the relevant Pensions (Increase) Acts, otherwise than under section 2 of the Pensions (Increase) Act 1962, that paragraph shall have effect as if for the rate specified there were substituted such lower rate as, together with the increase, yields a pension at the specified rate.

SCHEME II

1. Subject as hereinafter provided, the pension shall be of such amount that, when it is added to any widow's benefit or retirement pension payable to the widow under the National Insurance Act 1946 in right of her husband's insurance, the total weekly rate of payment is equal to the percentage of his average pensionable pay specified in the second column of the following Table being the percentage set out opposite to the number of his completed years of pensionable service in the first column of the said Table:—

TABLE

Husband's completed years of pensionable service	Total weekly rate
10, 11, 12, 13 and 14	5 per cent.
15, 16, 17, 18 and 19	7½ per cent.
20, 21, 22, 23 and 24	10 per cent.
25, 26, 27, 28 and 29	12½ per cent.
30 or more	16 per cent.

2. The amount of the pension calculated in accordance with the preceding paragraph shall be increased in accordance with Schedule 4.

Article 10

PART II

WIDOW'S ORDINARY GRATUITY

1. Where the fireman was not entitled to reckon a year's pensionable service, the gratuity shall be an amount equal to his aggregate contributions.

2. Where the fireman was entitled to reckon at least a year's pensionable service, the gratuity shall be of such amount as the fire authority may determine, not being less than his aggregate contributions and not being more than a twelfth of his average annual pensionable pay multiplied by the number of his completed years of pensionable service.

Article 11

PART III

WIDOW'S SPECIAL PENSION

1. Subject as hereinafter provided, a widow's special pension shall be of an amount not less than a fifth of her husband's average pensionable pay and, subject as aforesaid, shall be of such amount that, when it is added to—

(a) any pension payable to her under the National Insurance (Industrial Injuries) Act 1946 in consequence of the death of her husband; and

(b) any widow's benefit or retirement pension payable to her under the National Insurance Act 1946 in right of her husband's insurance,

the total weekly rate of payment is equal to a third of her husband's average pensionable pay.

2. The amount of the pension calculated in accordance with the preceding paragraph shall be increased in accordance with Schedule 4.

Sch. 2 (contd.)

PART IV

Article 12

WIDOW'S GRATUITY BY WAY OF COMMUTED PENSION

A widow's gratuity by way of commuted pension shall be such sum as may be agreed between the fire authority and the widow, not exceeding the capitalised value of the pension or, as the case may be, of that part of the pension which is commuted, calculated in accordance with tables prepared from time to time by the Government Actuary.

SCHEDULE 3

Article 16

PART I

CHILD'S ORDINARY ALLOWANCE

1. Subject to paragraph 3 and Part III of this Schedule, where the mother of the child is alive the child's ordinary allowance shall be of such amount that the rate of payment is—

- (a) where the father's last rank was not higher than that of sub-officer, £26 a year;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £31 a year; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £39 a year.

2. Subject to paragraph 3 and Part III of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be of such amount that the rate of payment is—

- (a) where the father's last rank was not higher than that of sub-officer, £39 a year or such higher rate not exceeding £51 a year as the fire authority may from time to time determine;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £46 a year or such higher rate not exceeding £61 a year as the fire authority may from time to time determine; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £58 a year or such higher rate not exceeding £77 a year as the fire authority may from time to time determine.

3. In any case in which the rate of payment specified in paragraph 1 or 2, as the case may be, falls to be increased under any of the relevant Pensions (Increase) Acts, the appropriate paragraph shall have effect as if for the rate specified there were substituted such lower rate as, together with the increase, yields an allowance at the specified rate.

PART II

Article 17

CHILD'S SPECIAL ALLOWANCE

1. Subject to the provisions of Part III of this Schedule, if and so long as the child has a parent living, the child's special allowance shall be payable at the rate of a fifteenth of the average pensionable pay of the parent in respect of whose death it is payable.

2. Subject to the provisions of Part III of this Schedule, a child's special allowance shall be payable, if the child has no parent living, at the rate of a tenth of the said parent's average pensionable pay or at such greater rate, not exceeding 2 fifteenths thereof, as the fire authority may from time to time determine.

Sch. 3 (contd.)

Articles 16 and 17

PART III

VARIATION OF CHILD'S ALLOWANCE

1.—(1) Subject as hereinafter provided, where under any enactment specified in the first column of the following Table a payment specified in the second column is made to the recipient mentioned in the third column thereof, a child's ordinary or special allowance shall be reduced by so much as is necessary to reduce the allowance or, in the case of a special allowance, the increased allowance, by the weekly amount specified in the fourth column, and where that reduction is greater than the allowance determined under Part I or II of this Schedule, that allowance shall not be payable.

In this sub-paragraph the expression "increased allowance" in relation to a child's special allowance means the amount which would be payable in respect thereof by virtue of this Scheme and the relevant Pensions (Increase) Acts, if this paragraph were not in force.

TABLE

1 Enactment	2 Type of Payment	3 Recipient	4 Weekly Reduction
National Insurance Act 1946, s. 17.	Widowed mother's allowance ...	Child's mother.	s. d. 7 6
National Insurance Act 1946, s. 19.	Guardian's allowance in respect of the child.	Child's guardian.	12 0
National Insurance Act 1946, s. 23.	Increased widow's allowance ...	Child's mother.	7 6
National Insurance Act 1946, s. 23.	Increased retirement pension ...	Child's mother.	7 6
Family Allowances Act 1945.	Family allowance in respect of the child.	Any person	5 0
National Insurance (Industrial Injuries) Act 1946, s. 21.	Death benefit in respect of the deceased's child at the higher weekly rate prescribed by that section.	Any person	7 6

(2) Where a woman has 2 or more children who would apart from the provisions of this paragraph be entitled to a child's allowance, only the allowance of the elder or eldest of those children shall be reduced in respect of the payment to her of a widowed mother's allowance, increased widow's allowance or increased retirement pension.

(3) Where the child's allowance is an ordinary allowance, it shall not be reduced in respect of the payment of death benefit.

2. The amount of a child's special allowance calculated in accordance with the preceding provisions of this Schedule shall be increased in accordance with Schedule 4.

Article 18

PART IV

CHILD'S GRATUITY BY WAY OF COMMUTED ALLOWANCE

A child's gratuity by way of commuted allowance shall be such sum as may be agreed between the fire authority and the child's guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part of the allowance which is commuted, calculated in accordance with tables prepared from time to time by the Government Actuary.

SCHEDULE 4 Articles 10, 11, 17, 51 and 58**INCREASE IN WIDOW'S PENSION OR CHILD'S ALLOWANCE**

Where it is provided in this Scheme that for the purpose of calculating a widow's pension or child's allowance an amount shall be increased in accordance with this Schedule, it shall be increased by the amount which, together with any increase relating to the last-mentioned amount under the Pensions (Increase) Acts 1944 and 1947, equals the amount, if any, by which the relevant widow's pension or child's allowance would from time to time be increased if—

- (a) it were a pension specified in Part II of Schedule 1 to the Pensions (Increase) Act 1952(a) of the amount first mentioned in this paragraph; and
- (b) any reference in Schedule 2 to that Act—
 - (i) to a relevant pension included a reference to a pension or allowance under this Scheme of an amount which is increased in accordance with this Schedule;
 - (ii) to the rate of a relevant pension included a reference to the rate of such a pension or allowance ignoring any increase in accordance with this Schedule; and
 - (iii) to the authorised increase included a reference to the increase in the amount of such a pension or allowance in accordance with this Schedule.

SCHEDULE 5 Articles 31, 32, 34 and 35**PAYMENTS BY FIREMEN IN RESPECT OF PREVIOUS SERVICE**

1. Where a fireman undertakes to make payments in accordance with this Schedule, he shall pay by regular instalments of such an amount that the payment will be completed within a period of 5 years and before he can be required to retire under Article 71:

Provided that—

- (a) he may on giving the said undertaking or at any later date discharge his liability thereunder, in whole or in part by paying the whole or part of the sum, or balance of the sum then outstanding, as the case may be;
- (b) if he retires and is not entitled to an award other than one of an amount equal to his aggregate contributions, or dies, all further liability under the said undertaking shall cease;
- (c) if he retires before his liability under the said undertaking is discharged and his liability does not cease in accordance with the provisions of proviso (b) to this paragraph, the fire authority shall be empowered to deduct the balance of the sum then outstanding from payments of any award payable to him.

2. Where a fireman undertakes to make payments in accordance with this Schedule, he shall make payment to the authority by whom he is employed when he gives the undertaking and, without prejudice to any other method of payment, this liability may be discharged by way of a deduction by the said authority from his pay.

SCHEDULE 6**Article 31****SUMS TO BE PAID BY FIREMEN IN RESPECT OF PREVIOUS SERVICE**

1. Subject to paragraph 2, the sum to be paid by a regular fireman under an undertaking given under Article 31(4) of this Scheme shall be, in respect of each year of pensionable service reckonable under Article 31(4) and in respect of £100 of annual pensionable pay, the sum shown in the second column of the

Sch. 6 (*contd.*)

following Table in relation to an age which corresponds with that of the fireman, and the total sum to be paid as aforesaid shall be calculated proportionately by reference to the pensionable service so reckonable and to his annual pensionable pay:—

TABLE

Age in years	Amount for £100 of annual pensionable pay
	£ s. d.
Under 38	9 10 0
38 but under 39	9 12 0
39 " " 40	9 14 0
40 " " 41	9 16 0
41 " " 42	9 18 0
42 " " 43	10 1 0
43 " " 44	10 4 0
44 " " 45	10 8 0
45 " " 46	10 11 0
46 " " 47	10 14 0
47 " " 48	10 18 0
48 " " 49	11 1 0
49 " " 50	11 5 0
50 " " 51	11 8 0
51 " " 52	11 12 0
52 " " 53	11 16 0
53 " " 54	12 0 0
54 " " 55	12 6 0
55 and over	12 12 0

2. In the case of a regular fireman who—

(a) gives an undertaking as aforesaid before 1st February 1965, or

(b) last retired from service as such a fireman before 1st August 1964,

the fire authority may, if they think fit, reduce the sum to be paid as aforesaid, so however that the sum to be paid shall not be less than the aggregate of—

- (i) any sum paid to him by way of gratuity or return of aggregate contributions on retirement, and
- (ii) the balance of any sum he had undertaken to pay in accordance with Schedule 5 to this Scheme, Schedule 5 to the Firemen's Pension Scheme 1956, Schedule 11 to the Firemen's Pension Scheme 1952 or Schedule 11 to the Firemen's Pension Scheme 1948 which was outstanding immediately before his retirement.

3. In this Schedule a reference to the age or annual pensionable pay of a fireman is a reference to his age or, as the case may be, the annual rate of his pensionable pay on joining or as the case may be rejoining the brigade, any retrospective increase in his pensionable pay granted after that time being ignored.

Article 44

SCHEDULE 7

APPEALS TO MEDICAL REFEREES

1. The person seeking to appeal must institute his appeal within 14 days from the date on which he is supplied by the fire authority with a copy of the opinion in pursuance of Article 44:

Sch. 7 (contd.)

Provided that where the fire authority are of opinion that a person's failure to institute his appeal within the time allowed was not due to his own default, they may (notwithstanding that the said time has expired) extend it by so much as they think fit, but so that the appeal shall in any event be instituted before the expiration of 6 months from the aforesaid date.

2. He must institute his appeal by giving to the fire authority a notice in writing informing them of his intention to appeal and stating the grounds on which he proposes to appeal.

Any such notice shall state the appellant's name and his place of residence.

3.—(1) Upon receiving the said notice the fire authority shall supply the Secretary of State with 2 copies thereof and 2 copies of the opinion in question.

(2) The Secretary of State shall supply a copy of the said notice and a copy of the said opinion to the medical referee nominated by the Secretary of State for the purposes of the appeal.

4.—(1) The medical referee so nominated shall forthwith after his nomination inform the appellant and the fire authority that he has been nominated to act as medical referee for the purposes of the appeal.

(2) It shall be the duty of the medical referee to secure that the appellant and the fire authority are at all material times aware of an address at which communications may be delivered to the referee for the purposes of the appeal.

5.—(1) Subject to the provisions of this Schedule, the medical referee shall interview the appellant at least once, and may interview him or cause him to be interviewed on such further occasions as the referee thinks necessary for the purpose of determining the appeal.

(2) The medical referee shall appoint a time and place for any such interview and shall give reasonable notice thereof to the appellant and to the fire authority.

(3) Where the medical referee is satisfied that the appellant is unable to travel, the place appointed for any such interview shall be the place where the appellant resides.

(4) It shall be the duty of the appellant to attend at the time and place appointed for any such interview and to submit himself at the interview to medical examination by the medical referee or by any person appointed by the referee for that purpose.

(5) If the appellant fails to comply with sub-paragraph (4), the medical referee may, unless satisfied that there was reasonable cause for the failure, dispense with the interview required by the preceding provisions of this Schedule, or, as the case may be, with any further interview, and give his decision upon such information as is then available.

(6) Any such interview may be attended by a person appointed for the purpose by the fire authority and by a person so appointed by the appellant.

6. At any time before the interview, or before the last interview if there is more than one, either party may submit to the medical referee a statement relating to the subject matter of the appeal, and the referee shall take account of any such statement and give to the other party such opportunity as he thinks necessary of replying thereto.

7. The decision of the medical referee shall take the form of an opinion on the medical questions which appear to him to be relevant, and the opinion shall be delivered in writing to both parties.

8.—(1) The medical referee shall be entitled to the following fees and allowances:—

(a) for giving his opinion on the appeal, a fee of 6 guineas or such higher fee as the Secretary of State may determine in any particular case;

(b) where, solely for the purposes of the appeal, he travels 2 miles or more from his place of residence or from any place where he practises, and in the

Sch. 7 (contd.)

circumstances it is not unreasonable for him so to travel, an allowance of 5s. 0d. for each full mile up to 10 full miles, and 1s. 0d. for each full mile thereafter ;

(c) where he incurs fees or expenses in respect of expert assistance in a case involving special difficulty, an allowance of such amount, if any, as the Secretary of State may approve, not exceeding the amount of those fees or expenses.

(2) The said fees and allowances shall be paid by the fire authority, and shall be treated as part of the fire authority's expenses for the purposes of the following provisions of this Schedule.

9.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the fire authority, the authority may, unless the referee otherwise directs, require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the fire authority shall, unless the referee otherwise directs, refund to the appellant any personal expenses actually and reasonably incurred by the appellant in respect of any such interview as is mentioned in paragraph 5 and, if any duly qualified medical practitioner chosen by the appellant has attended any such interview, any fees and expenses reasonably paid by the appellant in respect of such attendance.

(4) If in connection with any payment claimed under this paragraph any question arises as to whether the decision of the medical referee is in favour of the fire authority or the appellant, that question shall be decided by the referee, or, in default of a decision by the referee, by the Secretary of State.

10. An appellant shall be deemed to have received any information, notice or document which he is entitled to receive for the purposes of this Schedule if that information, notice or document has been duly posted in a letter addressed to the appellant at his last known place of residence.

Article 48

SCHEDULE 8

TRANSFER VALUES

1.—(1) The sum to be paid by a fire authority under Article 48 shall be calculated in accordance with this paragraph.

(2) The amounts shown in the second and third columns of the following Table in relation to an age which corresponds with that of the fireman are to be multiplied respectively by the number of completed years and the number of completed months aggregating less than a year which the fireman is entitled to reckon as pensionable service immediately before he ceases to be employed by the said authority:

Provided that in calculating the number of completed years and completed months which he is entitled to reckon as pensionable service—

(a) any period by which his pensionable service exceeds 20 years but does not exceed 30 years shall be counted twice ;

(b) any period by which his pensionable service exceeds 30 years shall be ignored.

(3) The sum of the products aforesaid is an amount appropriate in respect of £100 of annual pensionable pay.

(4) The total sum referred to in sub-paragraph (1) is to be calculated proportionately by reference to the annual pensionable pay of the fireman.

Sch. 8 (contd.)

(5) In this paragraph the expression "annual pensionable pay" means the annual value of the fireman's pensionable pay immediately before he ceases to be employed by the authority, any retrospective increase therein granted after that time being ignored.

TABLE

Age in years	Amount for £100 of annual pensionable pay in respect of each completed	
	Year	Month
	£ s. d.	£ s. d.
Under 35	18 4 0	1 10 0
35 but under 36	18 6 0	1 11 0
36 " " 37	18 9 0	1 11 0
37 " " 38	18 13 0	1 11 0
38 " " 39	18 18 0	1 12 0
39 " " 40	19 4 0	1 12 0
40 " " 41	19 9 0	1 12 0
41 " " 42	19 15 0	1 13 0
42 " " 43	20 1 0	1 13 0
43 " " 44	20 8 0	1 14 0
44 " " 45	20 15 0	1 15 0
45 " " 46	21 2 0	1 15 0
46 " " 47	21 9 0	1 16 0
47 " " 48	21 16 0	1 16 0
48 " " 49	22 3 0	1 17 0
49 " " 50	22 10 0	1 18 0
50 " " 51	22 17 0	1 18 0
51 " " 52	23 4 0	1 19 0
52 " " 53	23 12 0	1 19 0
53 " " 54	24 1 0	2 0 0
54 " " 55	24 12 0	2 1 0
55 and over	25 4 0	2 2 0

2. The sum to be paid by a fire authority under Article 48, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by the amount he has, under Article 31(1), undertaken to pay in accordance with Schedule 5.

3. Except in the case of a fireman who is paying pension contributions at the rate of 2d. a week less than 5 per cent. of his pensionable pay, the sum to be paid by a fire authority under Article 48, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by an amount calculated in accordance with paragraph 5.

4. In the case of a fireman entitled to reckon pensionable service, immediately before he ceases to be employed by a fire authority, by virtue of a participating period of relevant employment, the sum to be paid by that authority under Article 48, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by an amount calculated in accordance with paragraph 5.

5.—(1) The amount shown in the second column of the following Table in relation to an age which corresponds with that of the fireman immediately before he ceases to be employed by the authority is the amount of the reduction referred to in paragraph 3 or, as the case may be, paragraph 4 in respect of each £1 by which the annual value of his pension would be reduced—

(a) under paragraph 1 of Part III of Schedule 1, in a case in which paragraph 3 applies;

Sch. 8 (contd.)

(b) under paragraphs 2 and 3 of the said Part III, in a case in which paragraph 4 applies,

in respect of any period beyond the age of 65 years, if he had retired immediately before he ceased to be employed by the authority and had been entitled to a pension.

(2) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced.

TABLE

Age in years	Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced
	£ s. d.
Under 25	1 14 0
25 but under 26	1 16 0
26 " " 27	1 18 0
27 " " 28	2 0 0
28 " " 29	2 2 0
29 " " 30	2 4 0
30 " " 31	2 7 0
31 " " 32	2 9 0
32 " " 33	2 11 0
33 " " 34	2 13 0
34 " " 35	2 15 0
35 " " 36	2 18 0
36 " " 37	3 0 0
37 " " 38	3 2 0
38 " " 39	3 5 0
39 " " 40	3 7 0
40 " " 41	3 10 0
41 " " 42	3 13 0
42 " " 43	3 15 0
43 " " 44	3 18 0
44 " " 45	4 1 0

Article 66

SCHEDULE 9

MODIFICATIONS TO SCHEME IN ITS APPLICATION TO FIREMEN
SERVING ON 10TH JULY 1956

1. For the words "average pensionable pay" wherever they occur, there shall be substituted the words "pensionable pay".
2. For the words "average annual pensionable pay" wherever they occur, there shall be substituted the words "annual pensionable pay".
3. In Article 1(1) the words "has attained the age of 50 years and" shall be omitted.

Sch. 9 (contd.)

4. For Article 38(2) and (3) there shall be substituted the following provisions:—

“(2) For the purpose of determining the benefits payable under this Scheme on the death or retirement of a regular fireman—

(a) the expression ‘pensionable pay’ means his pensionable pay immediately before the death or retirement or, in a case where he was not serving as such a fireman when he died, his pensionable pay immediately before he last ceased to serve as such; and

(b) the expression ‘annual pensionable pay’ means the annual value of his said pensionable pay.

(3) Where during the relevant period before his death or retirement a regular fireman’s rank has changed, paragraph (2) shall have effect in his case as if his pensionable pay immediately before the death or retirement were his average pensionable pay during that period:

Provided that where the last change in rank during the relevant period was a promotion and the said average is less than his pensionable pay would have been, immediately before the death or retirement, had he continued to hold the rank he held before the promotion, then paragraph (2) shall have effect in his case as though he had continued to hold that rank.

In this paragraph the expression ‘the relevant period’ means the period of 3 years ending with the death or retirement.”.

5. In Article 51—

(a) in paragraph (4)(a) for the words “£77 a year” there shall be substituted the words “£30 a year”;

(b) for paragraph (5) there shall be substituted the following paragraph:—

“(5) Where an award is granted under paragraph (4)(a), the amount thereof shall be increased in accordance with Schedule 4 and for the purposes of the Pensions (Increase) Act 1952 as applied by that Schedule the pension shall be deemed to begin before 1st April 1948.”.

6. For Part I of Schedule 1 there shall be substituted the following Part:—

“PART I

Subject as hereafter in this Schedule provided an ordinary pension shall be of an amount equal to 30 sixtieths of the fireman’s pensionable pay with the addition of 2 sixtieths for each completed year by which his pensionable service exceeds 25 years up to the maximum set opposite his age at retirement in the following Table:—

TABLE

Years of age of fireman at retirement	Maximum pension expressed in 60ths of pensionable pay
Less than 51	30
Less than 52 but 51 or over	32
Less than 53 but 52 or over	34
Less than 54 but 53 or over	36
Less than 55 but 54 or over	38
55 or over	40”

7. For Part II of Schedule 1 there shall be substituted the following Part:—

“PART II

A short service or ill-health pension shall be of an amount of not less than a sixtieth nor more than 40 sixtieths of the fireman’s pensionable pay and subject as aforesaid shall be equal to a sixtieth of his pensionable pay for each completed year of pensionable service up to 20 years, with the addition of 2

Sch. 9 (contd.)

sixtieths for each completed year by which his pensionable service exceeds 20 years.”.

8. For Scheme I of Part I of Schedule 2 there shall be substituted the following Scheme:—

“ SCHEME I

1. The pension shall be of such amount that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer, £30 a year ;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £40 a year ; or
- (c) where the husband's last rank was higher than that of divisional officer (Grade I), £50 a year :

Provided that the said amount shall be increased in accordance with Schedule 4 and, for the purposes of the Pensions (Increase) Act 1952, as applied by that Schedule, the pension shall be deemed to begin before 1st April 1948.”.

9. For Part I of Schedule 3 there shall be substituted the following Part:—

“ PART I

1. Subject to paragraph 3 and Part III of this Schedule, where the mother of the child is alive the child's ordinary allowance shall be payable at the following rate:—

- (a) where the father's last rank was not higher than that of sub-officer, £10 a year ;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £12 a year ; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £15 a year.

2. Subject to paragraph 3 and Part III of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be payable at the following rate:—

- (a) where the father's last rank was not higher than that of sub-officer, £15 a year, or such higher rate not exceeding £20 a year as the fire authority may from time to time determine ;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £18 a year, or such higher rate not exceeding £24 a year as the fire authority may from time to time determine ; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £22 10s. a year, or such rate not exceeding £30 a year as the fire authority may from time to time determine.

3. A child's ordinary allowance, determined in accordance with paragraph 1 or, as the case may be, paragraph 2, shall be increased by the amount by which it would have been increased under the Pensions (Increase) Acts 1944 and 1947 had it been granted before the passing of the Pensions (Increase) Act 1956.”.

10. In Part III of Schedule 3—

- (a) in paragraph 1(1) the words “the allowance or, in the case of a special allowance” and the word “special”, in the third place where it occurs, shall be omitted ;
- (b) after paragraph 2 there shall be added the following paragraph:—

“ 3. The amount of a child's ordinary allowance determined in accordance with the preceding provisions of this Schedule shall be increased in accordance with the provisions of Schedule 4 and, for the purposes of the Pensions (Increase) Act 1952 as applied by that Schedule, the allowance shall be deemed to begin before 1st April 1948.”.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order consolidates, with amendments, the Firemen's Pension Scheme 1956 (as set out in the Appendix to the Firemen's Pension Scheme Order 1956 and modified by the National Insurance (Modification of Firemen's Pension Scheme) Regulations 1961 (S.I. 1961/267: 1961 I, p. 439) and the amendments thereto contained in the Firemen's Pension Scheme (No. 2) Order 1956, the Firemen's Pension Scheme Order 1958, the Firemen's Pension Scheme Order 1959, the Firemen's Pension Scheme (No. 2) Order 1959, the Firemen's Pension Scheme Order 1960, the Firemen's Pension Scheme (No. 2) Order 1960, the Firemen's Pension Scheme (Amendment) Order 1962 and the Firemen's Pension Scheme (Amendment) Order 1963, which cease to have effect save in relation to retirements, deaths and certain other matters occurring before 1st August 1964, when the new Scheme comes into force.

The principal changes incorporated in the new Scheme are described below :

Article 19 extends the period for which an allowance is payable to a child who is receiving full-time education or is an apprentice up to the time he attains the age of 19 years. (A corresponding extension is made by Article 3 of the Order in the case of children's allowances payable under the Firemen's Pension Schemes of 1948, 1952 and 1956.)

Article 24 makes further provision relating to the allocation of part of a pension in favour of a dependant. Where the beneficiary of an allocation dies before the fireman retires he is permitted to allocate a further portion of his pension in favour of some other beneficiary.

The power to withdraw a pension for such period as the pensioner is employed by any local authority is, by Article 29, restricted to the case where the pensioner is employed as a regular fireman.

The provisions of Article 31 relating to the reckoning for pension purposes of previous service as a regular fireman permit a break in service of up to a year.

Articles 60, 61 and 62 relate to awards to or in respect of part-time firemen. Except in the case of awards to dependants of such firemen who have ceased to serve before the coming into operation of the Scheme, provisions for flat rate awards are replaced by provisions for awards corresponding to those payable to, and related to the pensionable pay of, regular firemen.

Increases are made in flat rate awards (e.g. in a widow's ordinary pension calculated in accordance with Scheme I of Part I of Schedule 2) corresponding, in amount, to those authorised by the Pensions (Increase) Acts (other than section 2 of the 1962 Act, which relates to pensions payable to persons aged 70 years or more).

A proportion of certain previous service otherwise than as a regular fireman is reckonable for pension purposes. Article 35(2) provides that where the superannuation provisions applicable to that other service are comparable to those of the Scheme, the whole of that other service shall be reckonable.

1964 No. 1149

PENSIONS

INCREASE OF PENSIONS

The Increase of Pensions (Modification) Regulations 1964

Made - - - -	23rd July 1964
Laid before Parliament	31st July 1964
Coming into Operation	1st August 1964

In exercise of the powers conferred on me by paragraph 7 of Schedule 2 to the Pensions (Increase) Act 1956(a) and subsection (2) of section 3 of the Pensions (Increase) Act 1959(b) (including that section as applied and modified by section 8(2) of the Pensions (Increase) Act 1962(c) and Part II of Schedule 1 thereto) I hereby, with the consent of the Treasury, make the following Regulations :—

Amendment of the Increase of Pensions (Modification) (No. 3) Regulations 1956

1. In Regulation 3(1) of the Increase of Pensions (Modification) (No. 3) Regulations 1956(d) (which provides that the Pensions (Increase) Act 1956 shall apply in relation to a flat rate fire service pension, payable as therein mentioned, as if the proviso to section 1(1) of that Act were omitted therefrom) after the words “to the said Scheme” there shall be inserted the following provision :—

“ or

(d) the Firemen’s Pension Scheme 1964(e), where in relation to the pension that Scheme is subject to the modifications set out either in the said section 27(3) or in Schedule 9 to the said Scheme.”.

Amendment of the Increase of Pensions (Modification) (No. 2) Regulations 1959

2. In Regulation 2(1) of the Increase of Pensions (Modification) (No. 2) Regulations 1959(f) (which provides that the Pensions (Increase) Act 1959 shall apply in relation to a flat rate fire service pension, payable as therein mentioned, as if it began for the purposes of the Act before 1st April 1952) after the words “to the said Scheme” there shall be inserted the following provision :—

“ or

(d) in accordance with the Firemen’s Pension Scheme 1964, where in relation to the pension that Scheme is subject to the modifications set out either in the said section 27(3) or in Schedule 9 to the said Scheme.”.

(a) 4 & 5 Eliz. 2. c. 39. (b) 7 & 8 Eliz. 2. c. 50. (c) 11 & 12 Eliz. 2. c. 2.
 (d) S.I. 1956/1239 (1956 II, p. 1736). (e) See S.I. 1964/1148 (1964 II, p. 2574).
 (f) S.I. 1959/1831 (1959 II, p. 2064).

Amendment of the Increase of Pensions (Modification) (No. 4) Regulations 1963

3. In Regulation 3(2) of the Increase of Pensions (Modification) (No. 4) Regulations 1963(a) (which provides that the Pensions (Increase) Act 1962 shall apply in relation to a flat rate fire service pension, payable as therein mentioned, as if it began for the purposes of the Act before 1st April 1956) after the words " Fire Services Act 1947 " there shall be inserted the following provision :—

" or

(c) in accordance with the Firemen's Pension Scheme 1964 in respect of whole-time service, where that Scheme is subject to the modifications set out either in Schedule 9 thereto or in the said section 27(3)."

Operation and citation

4. These Regulations may be cited as the Increase of Pensions (Modification) Regulations 1964 and shall come into operation on 1st August 1964.

Henry Brooke.

One of Her Majesty's Principal Secretaries of State.

22nd July 1964.

We consent,

*M. A. Hamilton,
Ian MacArthur,*

Two of the Lords Commissioners of Her Majesty's Treasury.

23rd July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Increase of Pensions (Modification) (No. 3) Regulations 1956, the Increase of Pensions (Modification) (No. 2) Regulations 1959 and the Increase of Pensions (Modification) (No. 4) Regulations 1963, which modify respectively, the Pensions (Increase) Acts of 1956, 1959 and 1962 in their application to certain fire service pensions.

The amendments are consequential on the Firemen's Pension Scheme Order 1964 which brings the Firemen's Pension Scheme 1964 into operation on 1st August 1964. These Regulations come into operation on the same date.

(a) S.I. 1963/1311 (1963 II, p. 2269).

1964 No. 1150

ANIMALS

DISEASES OF ANIMALS

The Tuberculosis (Compensation) Order 1964

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the power conferred on them by section 85(1) of the Diseases of Animals Act 1950(a) and of all other powers them enabling, as respects the revocation of the Orders mentioned in Article 2 of the following Order, and (save for such revocation) the Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by sections 17(3) and 19(7) of the said Act, and of all other powers him enabling, with the approval of the Treasury, hereby respectively make the following Order :—

Citation, extent and commencement

1. This Order, which may be cited as the Tuberculosis (Compensation) Order 1964, applies to England and Wales, and shall come into operation on 1st August 1964.

Revocation

2. Articles 6 and 7 of the Tuberculosis Order of 1938 as amended(b), (being the provisions thereof which relate to compensation), and the whole of the Tuberculosis (Compensation) Order 1950(c), as amended(d), in their application to England and Wales, are hereby revoked, but without prejudice to any rights accrued thereunder before the coming into operation of this Order.

Interpretation

3.—(1) In this Order—

“ the Act ” means the Diseases of Animals Act 1950 ;

“ affected animal ” means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis ;

“ bovine animal ” means a bull, cow, steer, heifer or calf ;

“ cow ” includes a heifer that has calved or is in milk ;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food.

(a) 14 Geo. 6. c. 36.

(b) S.R. & O. 1938/165, 1946/122 (Rev. II, p. 658; 1938 I, p. 293; 1946 I, p. 39).

(c) S.I. 1950/2005 (1950 I, p. 186).

(d) S.I. 1959/1460, 1960/1714 (1959 I, p. 242 ; 1960 I, p. 310).

(2) The Interpretation Act 1889^(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

Compensation for, and ascertainment of value of, bovine animals slaughtered pursuant to section 17 of the Act of 1950

4.—(1) Where under the power conferred by section 17 of the Act the Minister causes a bovine animal to be slaughtered because—

- (a) it is an affected animal ;
- (b) it has reacted to a tuberculin test ; or
- (c) it has been exposed to the infection of tuberculosis by contact with any such animal as is mentioned in heads (a) or (b) of this paragraph,

the compensation payable by him for the animal shall, subject to Article 5 of this Order, be the amount determined in accordance with the following provisions of this Article.

(2) The said compensation shall be—

- (a) in the case of any such animal as is mentioned in heads (a) or (b) of the preceding paragraph the sum of £120 or an amount equal to three-fourths of its market value, whichever is the less ;
- (b) in the case of any such animal as is mentioned in head (c) of the preceding paragraph (not being an animal as mentioned in heads (a) or (b) thereof) an amount equal to its market value.

(3) Notwithstanding the provisions of Article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959^(b) the market value of a bovine animal which the Minister proposes to cause to be slaughtered, shall, for the purposes of payment of compensation, be determined, in default of agreement, by a valuer appointed by the Minister and the owner of the animal and paid by the Minister, or failing such appointment, by a valuer nominated by the President of the Chartered Auctioneers' and Estate Agents' Institute of the United Kingdom and paid by the Minister, and such valuer shall give to the Minister and to the owner a certificate in writing of the said value.

In this paragraph a reference to a valuer shall be taken as a reference to an individual and not to a company or firm or to two or more persons jointly.

(4) For the purpose of this Article, the market value of a bovine animal is the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market—

- (a) in the case of an affected animal, if it were not affected ;
- (b) in the case of an animal which has reacted to a tuberculin test, if it had not so reacted ; and
- (c) in the case of an animal which has been exposed to the infection of tuberculosis by contact with any such animal as is mentioned in heads (a) or (b) of this paragraph, if it had not been so exposed.

Compensation for "control animals"

5.—(1) Notwithstanding anything in Article 4 of this Order the compensation payable in respect of an animal to which this Article applies, being an animal which the Minister causes to be slaughtered on account of tuberculosis pursuant to paragraph (a) or (b) of section 17(1) of the Act, shall

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1959/1335 (1959 I, p. 227).

consist only of the value of the carcase of the animal less the expenses reasonably incurred by the Minister in relation to the animal before slaughter, to the slaughter of the animal and to the subsequent disposal of the carcase.

(2) This Article applies to any bovine animal (in this paragraph referred to as "the control animal") as respects which it is a condition of any Order under the Act allowing any other bovine animal (in this paragraph referred to as "the imported animal") to be landed in England and Wales that the control animal shall be placed together with the imported animal in an imported animals' quarantine station, there to serve as a control in relation to the imported animal as respects any disease of bovine animals.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 20th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

We approve,

M. A. Hamilton,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

21st July 1964.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes and re-enacts for England and Wales the Tuberculosis (Compensation) Order 1950, as amended (S.I. 1950/2005, 1959/1460, 1960/1714), which prescribed the scale of compensation payable for cattle slaughtered under section 17 of the Diseases of Animals Act 1950 because they have reacted to a tuberculin test, or have been exposed to the infection of tuberculosis by contact with a reactor. The scale of compensation prescribed will apply henceforth as well to cattle slaughtered because they are affected with clinical tuberculosis, or have been exposed to infection by contact with animals so affected. This is in substitution for the scale prescribed in Article 6 and 7 of the Tuberculosis Order of 1938, as amended (S.R. & O. 1938/165, 1946/122), both of which Articles are revoked.

The Order contains an exception for cattle (referred to as "control animals") which are required to serve as controls in connection with the importation of cattle from overseas. Compensation on slaughter of such control animals is limited to the carcase value of the animal, less the Minister's reasonable expenses.

1964 No. 1151

ANIMALS

DISEASES OF ANIMALS

The Tuberculosis Order 1964

<i>Made</i> - - - -	20th July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Agriculture, Fisheries and Food, and the Secretary of State, acting jointly, in exercise of the power conferred on them by section 85(1) of the Diseases of Animals Act 1950(a) and of all other powers them enabling, as respects the revocation of the Orders mentioned in Article 2 of the following Order, and (save for such revocation) the Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by sections 1, 8(3), 17(2), 20, 24(1), 28(2), 33(1), 77(3) and 84(3)(a) of the said Act, and of all other powers him enabling, hereby respectively make the following Order:—

Citation, revocation and interpretation

1. This Order may be cited as the Tuberculosis Order 1964 and shall come into operation on 1st August 1964.

2. The Tuberculosis Order of 1938, as amended(b) (save Articles 6 and 7 thereof), the Tuberculosis (Area Eradication) Order 1950(c), as amended(d), and the Tuberculosis (Slaughter of Reactors) Order 1950(e), as amended(f), in their application to England and Wales, are hereby revoked.

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

“the Act” means the Diseases of Animals Act 1950;

“affected animal” means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis;

“approved disinfectant” means a 5 per cent solution of standard phenol or a disinfectant otherwise approved for the time being for the purposes of the Diseases of Animals (Disinfection) Order of 1936(g);

“bovine animal” means a bull, cow, steer, heifer or calf;

“cow” includes a heifer that has calved or is in milk;

“the divisional veterinary inspector” means the veterinary inspector appointed for the time being by the Minister to receive information

(a) 14 Geo. 6. c. 36. (b) S.R. & O. 1938/165, 1946/122 (Rev. II, p. 658: 1938 I, p. 293; 1946 I, p. 39). (c) S.I. 1950/2006 (1950 I, p. 173).

(d) S.I. 1954/762, 1955/1449, 1960/87 (1954 I, p. 148; 1955 I, p. 214; 1960 I, p. 307).

(e) S.I. 1950/2007 (1950 I, p. 188).

(f) S.I. 1959/1461 (1959 I, p. 243)

(g) S.R. & O. 1938/191 (Rev. II, p. 320: 1938 I, p. 303).

about animals affected or suspected of being affected with specified diseases, from time to time specified by the Minister, for the area in which the animal is ;

“ licence ” means a licence issued under this Order by a veterinary inspector or other officer of the Ministry ;

“ milk ” includes cream and separated or skimmed milk ;

“ the Minister ” and “ the Ministry ” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food ;

“ premises ” includes land with or without buildings, but does not include any market, saleyard, fairground, lair, or place of exhibition ;

“ veterinary inspector ” means a veterinary inspector appointed by the Minister.

(2) References in this Order to notices served in Form A or Form B shall be construed as references to notices served in the forms respectively so headed in the schedule to this Order, or in forms substantially to the like effect.

(3) The Interpretation Act 1889(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

(4) Without prejudice to the last foregoing paragraph any notice, consent, licence, requirement or other thing whatsoever which was served, given, issued, granted, imposed or done under any order revoked by this Order shall, if in force immediately before the commencement of this Order continue in force and have effect as if served, given, issued, granted, imposed or done under the corresponding provision of this Order ; and any document referring to any order revoked by this Order shall be construed as referring to this Order or to the corresponding provision thereof.

Extent and scope

4. This Order applies to England and Wales and the following provisions of it shall have effect for the purpose of preventing the introduction and spread of tuberculosis of cattle and of eradicating such tuberculosis.

Notice of disease

5.—(1) Every person having in his possession or under his charge on any premises—

(a) any cow which is or appears to be—

(i) an affected animal, or

(ii) affected with an indurated udder or other chronic disease of the udder ; or

(b) any other bovine animal which is or appears to be an affected animal, and every veterinary surgeon or veterinary practitioner who in his private practice examines any bovine animal, and is of opinion or suspects that the animal is an affected animal shall with all practicable speed give notice of the fact to a constable of the police force for the area wherein the animal is or to a veterinary inspector.

(2) The person in possession or having charge of the animal shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other bovine animals, and shall adopt precautions with

respect to milk as if a notice in Form A had already been served upon him under Article 6 of this Order.

(3) The constable receiving any notice under this Article shall forthwith give information of the receipt of such notice to the divisional veterinary inspector and to an inspector of the local authority.

Detention and isolation of animals and precautions to be adopted with respect to milk and prohibition of movement

6.—(1) An inspector of a local authority on receiving information in any manner whatsoever that there is on any premises a bovine animal which is or is suspected to be an affected animal shall proceed with all practicable speed to the place where such animal is, and shall forthwith serve a notice in Form A on the owner or person in charge of the animal. The inspector shall with all practicable speed send a copy of the notice to the divisional veterinary inspector and to the local authority.

(2) A veterinary inspector may serve a notice in Form A on the owner or person in charge of any bovine animal examined by him which in his opinion is or may be an affected animal.

(3) A notice (Form A) served under this Article shall remain in force until the animal to which it relates has died, or has been slaughtered pursuant to section 17 of the Act, or until the notice is cancelled by a further notice served in accordance with Article 7 of this Order.

Cancellation of restrictions

7. If the report of a veterinary inspector on any animal in respect of which a notice (Form A) has been served does not show that it is an affected animal, the veterinary inspector shall forthwith serve a notice on the person on whom the notice (Form A) was served cancelling such notice.

Tuberculin tests and vaccination

8.—(1) The owner or person in charge of any bovine animal shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry as to the collection, penning and securing of any such animal for the purpose of examining it or of applying a tuberculin test or, in a case where the Minister proposes to cause any such animal to be slaughtered by reason of its being affected, or suspected of being affected, with tuberculosis, of its having reacted to a tuberculin test, or of its having been exposed to the infection of tuberculosis, for the purpose of ascertaining its value.

This paragraph shall be without prejudice to the powers of entry (and other powers) conferred by sections 6 and 73 of the Act.

(2) No bovine animal shall be tested with tuberculin except with the consent of the Minister.

(3) No bovine animal shall be vaccinated against tuberculosis.

Slaughter and disposal of affected animals and reactors

9. Where the Minister is satisfied that a bovine animal kept on any premises—

- (a) is an affected animal; or
- (b) has reacted to a tuberculin test,

and he proposes to cause to be slaughtered any such animal, or any bovine animal kept on any premises which has been exposed to the infection of tuberculosis by contact with any such animal as is mentioned in heads (a)

or (b) of this Article, a veterinary inspector may serve a notice in Form B on the owner or person in charge of any such animal informing him of the proposed slaughter and requiring him to detain the animal pending such slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from other animals that are not for the time being specified in a notice served under this Article.

Precautions against spread of infection

10.—(1) Where the Minister is satisfied that any bovine animal kept on any premises is an affected animal or has reacted to a tuberculin test, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the owner or person in charge of any such animal, require him within a time specified therein—

(a) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting by contact any bovine animal kept on any adjoining premises ;

(b) to remove any bovine animal from such parts of any buildings on the premises as may be specified in the notice, and thereafter to cleanse and disinfect such parts in the following manner :—

(i) before removal of manure from the said parts, those parts shall be sprayed or saturated with an approved disinfectant ;

(ii) manure shall then be removed from the said parts and stacked in a place remote from the bovine animals, goats and swine, and shall not subsequently be spread on pasture land ;

(iii) after the removal of the manure, the said parts shall be thoroughly scraped, the scrapings shall be removed and the said parts shall then be scrubbed and washed thoroughly with a 4 per cent solution of washing soda in hot water, or cleansed in such other manner as may be approved in writing by the Minister, and finally sprayed with an approved disinfectant ;

(iv) all utensils or other articles used for or about the animal in respect of which notice has been served shall be thoroughly cleansed and washed with a 4 per cent solution of washing soda in hot water or in such other manner as may be approved in writing by the Minister ;

(v) the boots worn by and the hands of persons who have carried out the disinfection shall be washed in an approved disinfectant.

(2) If any person on whom a notice is served under paragraph (1) of this Article fails to comply with such notice so far as it relates to any of the requirements mentioned in subparagraph (b) of that paragraph, it shall be lawful for a veterinary inspector, without prejudice to any proceedings for an offence arising out of such default, to enter on to the premises in respect of which the notice is served and to carry out the works therein specified (or to cause them to be carried out), and the amount of any expenses reasonably incurred by the veterinary inspector for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by the Minister as a civil debt from the person in default.

11.—(1) Where, for the purpose mentioned in Article 4 of this Order, it appears to a veterinary inspector expedient so to do, he may, by notice in writing served on the owner or person in charge of bovine animals kept

on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises (not being a movement to a slaughterhouse for the purposes of slaughter either pursuant to section 17 of the Act or in consequence of an injury or similar emergency) except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

(2) Such notice shall remain in force until it is cancelled by a further notice in writing given by a veterinary inspector and served as aforesaid.

Suspected animals in markets, fairs and sales

12.—(1) Where any bovine animal which is or is suspected by a veterinary inspector to be an affected animal is exposed in a market, fairground, or saleyard, or other public or private place where animals are commonly exposed for sale (in this Article referred to as "sale premises") the veterinary inspector may, by notice served on the owner or person in charge of the animal, require it to be removed from the sale premises to the premises from which it was brought thereto (unless such premises are also sale premises), or, at the option of the owner or person in charge (or where such premises are also sale premises, without such option) to other suitable premises or to a slaughterhouse, to be specified in the notice, and thereupon the animal shall forthwith be moved by the owner or person in charge to such premises for the purpose of examination under the foregoing provisions of this Order, or as the case may be, to such slaughterhouse.

(2) Where any such notice as is mentioned in paragraph (1) of this Article has been served, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the occupier or other person in charge of the sale premises in respect of which such first mentioned notice was served, require him within a time specified in the notice to cleanse and disinfect such parts of the sale premises as may be specified therein, and the person on whom such a notice is served shall within the time so specified cause the cleansing and disinfection to be carried out in the manner prescribed in Article 10(1)(b) of this Order.

(3) Where an animal is so moved to a slaughterhouse it shall not be moved from the slaughterhouse and shall be caused by its owner to be slaughtered within ninety-six hours after its arrival thereat.

(4) No compensation shall be payable in respect of an animal caused by the owner to be slaughtered under this Article.

Prohibition of importation of diseased animals

13.—(1) The landing in England and Wales from any country outside Great Britain of any bovine animal which is or appears to be an affected animal is hereby prohibited.

(2) A veterinary inspector may cause any such animal landed in contravention of the foregoing paragraph to be slaughtered, and no compensation shall be payable in respect thereof.

Movement of imported animals

14.—(1) Where a bovine animal, having been imported from the Republic of Ireland, is moved to a slaughterhouse under the authority of a licence granted under schedule 2 to the Act, and the animal is described in that licence as not being of attested status, the person owning or in charge of the animal shall ensure that the animal—

- (a) shall, before it is moved to the slaughterhouse, be marked by the clipping on its left hind quarter of a broad arrow 6 inches long and by the clipping of the hair off the end of its tail;

(b) shall not, during the movement authorised by the licence aforesaid, be permitted to come into contact with any bovine animal other than one that is for the time being subject to the requirements of this paragraph ;

(c) shall not, when moved to the slaughterhouse, be moved therefrom alive, but shall be slaughtered not later than 6 days after the day of its arrival there.

(2) In this Article the expression "slaughterhouse" has the meaning assigned to it in paragraph 7 of schedule 2 to the Act.

Control of goats and swine

15. For the purposes of preventing the risk of infection by tuberculosis from goats or swine kept on any premises on which any bovine animal is kept, a veterinary inspector or other officer of the Ministry may by notice in writing served on the occupier of the premises require him to keep them under such control as may be prescribed in the notice or to confine them to a specified part of the premises.

Marking of bovine animals

16.—(1) The owner of a bovine animal kept on any premises shall mark or identify the animal in a manner approved by the Minister and shall thereafter maintain such mark or identification so as to be clearly legible :

Provided that this requirement shall not apply in relation to any animal less than 14 days old that is not removed, or is removed only to a slaughterhouse from such premises, within such period of 14 days.

(2) A veterinary inspector or other officer of the Ministry may, if in his opinion it is necessary so to do, for the purposes of this Order, paint, stamp, or clip any mark on, or affix any tag to the ear of any bovine animal.

(3) No person shall, or shall attempt to, efface, alter, obliterate or remove any such mark, identification or tag as is made or affixed pursuant to the foregoing paragraphs of this Article.

Notices and licences

17.—(1) Every such notice as mentioned in Articles 6, 9, 10, 11(1), 12 and 15 of this Order shall be complied with by the person on whom the notice is served.

(2) Failure by any person without lawful authority or excuse, proof whereof shall lie with him, to comply with the conditions of a licence issued under this Order shall be an offence against the Act.

(3) Every licence issued under this Order shall accompany the animal to which it relates throughout the time during which the animal is being moved thereunder, and the person for the time being in charge of the animal shall on demand produce it to any veterinary inspector or other officer of the Ministry or inspector of a local authority or police constable and allow a copy of or extract from it to be taken and shall also, if required, give his name and address.

Extension of definition of disease

18. For the purposes of the Act the definition of the expression "disease" in section 84(3)(a) thereof shall continue to be extended so as to include a reference to tuberculosis, and section 17 of the Act shall continue to apply to that disease.

Enforcement by local authority

19. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture,
Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 20th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Articles 5, 6 and 7

SCHEDULE*(Forms of Notice prescribed in the Order)***FORM A****DISEASES OF ANIMALS ACT 1950****TUBERCULOSIS ORDER 1964**

Notice requiring detention and isolation of suspected animals, adoption of precautions with respect to milk and prohibiting movement of bovine animals
To A.B. of

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food/an inspector appointed by the local authority of the (county) of hereby give you notice as the owner or person in charge of the following animal, namely, on the under-mentioned premises which is or is suspected to be an affected animal for the purposes of the above-mentioned Order requiring you to detain the animal on the said premises and to keep the animal isolated as far as practicable from other bovine animals that is to say, bulls, cows, steers, heifers or calves, and, if the aforesaid animal is a cow, requiring you to take steps to ensure that the milk produced by the cow shall not be mixed with other milk until the cow has been examined by a veterinary inspector in accordance with the provisions of the said Order and until a subsequent notice cancelling such notice has been served upon you under the said Order; and also requiring you to take steps to ensure that all milk affected by this notice shall forthwith be boiled or otherwise sterilised, and that any utensil in which such milk is placed before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before any other milk is placed therein; and also prohibiting the movement of bovine animals on to or off the premises except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

This notice remains in force until the animal to which it relates has died or has been slaughtered pursuant to the above-mentioned Act, or until it is cancelled by a subsequent notice served by a veterinary inspector on the owner or person in charge of the animal.

Dated

19 .

(Signed)

Veterinary Inspector/Inspector

Description of premises on which the animal is to be detained and isolated

Note. The veterinary inspector/inspector is with all practicable speed to send a copy of this notice to the divisional veterinary inspector of the Ministry of Agriculture, Fisheries and Food, and to the local authority.

DISEASES OF ANIMALS ACT 1950

Article 9

TUBERCULOSIS ORDER 1964

FORM B

Notice requiring detention and isolation of bovine animals found to be affected with tuberculosis or to be reactors, and contacts of such animals, pending slaughter

To A.B.

of

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that such Minister is satisfied that the following bovine animal, namely (*insert description of animal*) which is now kept at (*insert description of premises where it is now kept*)—

(A) is an affected animal within the meaning of the above-mentioned Order in that—

- (a) it is affected with tuberculosis of the udder ;
- (b) it is giving tuberculous milk ;
- (c) it is affected with tuberculous emaciation ;
- (d) it is excreting or discharging tuberculous material ;
- (e) it is affected with a chronic cough and shows clinical signs of tuberculosis ; OR

(B) it has reacted to a tuberculin test.

and that it is proposed, subject to the provisions of the above-mentioned Act, with all convenient speed, to cause the said animal to be slaughtered [and also the following bovine animal (*insert description of animal*) which has been exposed to the infection of tuberculosis by contact with the first mentioned animal].

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in (*specify part of the premises*) being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other bovine animals.

Dated

19 .

(Signed)

Veterinary Inspector.

This Notice should be adapted throughout according to the circumstances in which it is served.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under the Diseases of Animals Act 1950 revokes and re-enacts (with amendments) for England and Wales—

- (a) the Tuberculosis Order of 1938 (S.R. & O. 1938/165 ; 1946/122), other than Articles 6 and 7 thereof which, since they relate to compensation are revoked by a separate order, namely the Tuberculosis (Compensation) Order 1964 (S.I. 1964/1150) ; and
- (b) the Tuberculosis (Slaughter of Reactors) Order 1950 (S.I. 1950/2007), as amended by S.I. 1959/1461.

The Order also revokes the Tuberculosis (Area Eradication) Order 1950 (S.I. 1950/2006), as amended by S.I. 1954/762, 1955/1449 and 1960/87, much of which, in consequence of the Tuberculosis (England and Wales Attested Area) Order 1960 (S.I. 1960/1708), declaring the whole of England and Wales to be an attested area, is obsolete.

By virtue of section 17 of the Diseases of Animals Act 1950 (and the extension of the definition of disease re-enacted in this Order) the Minister of Agriculture, Fisheries and Food may, if he thinks fit, cause to be slaughtered any animal which is affected or suspected of being affected with tuberculosis or has been exposed to the infection of such disease.

This Order prescribes the precautionary measures to be adopted, and the form of notice (Form A) to be served, where a bovine animal is suspected of being an affected animal (within the meaning of the Order). These measures include the detention and isolation of the animal and, in the case of a cow, the sterilisation of its milk. Where the Minister is satisfied that an animal is affected with tuberculosis or, following the carrying out pursuant to the Order of a tuberculin test, is a reactor, and he proposes to cause the animal to be slaughtered, the Order provides for the service of another notice (Form B) requiring the detention and isolation of the animal pending slaughter; and, generally, the Order assimilates the procedure henceforth to be followed in either such case.

The Order also contains in re-enacted form (but with minor alterations) ancillary provisions for the purpose of preventing the introduction and spread of tuberculosis and of eradicating that disease.

1964 No. 1152 (S. 78)

ANIMALS

DISEASES OF ANIMALS

The Tuberculosis (Compensation) (Scotland) Order 1964

<i>Made - - - -</i>	21st July 1964
<i>Laid before Parliament</i>	29th July 1964
<i>Coming into Operation</i>	1st August 1964

The Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly, in exercise of the power conferred on them by section 85(1) of the Diseases of Animals Act 1950(a) and of all other powers them enabling, as respects the revocation of the Orders mentioned in Article 2 of the following Order, and (save for such revocation) the Secretary of State in exercise of the powers conferred on him by sections 17(3) and 19(7) of the said Act, and of all other powers him enabling, with the approval of the Treasury, hereby respectively make the following Order :—

Citation, extent and commencement

1. This Order, which may be cited as the Tuberculosis (Compensation) (Scotland) Order 1964, applies to Scotland and shall come into operation on 1st August 1964.

Revocation

2. Articles 6 and 7 of the Tuberculosis Order of 1938, as amended(b), (being the provisions thereof which relate to compensation), and the whole of the Tuberculosis (Compensation) Order 1950(c), as amended(d), in their application to Scotland, are hereby revoked, but without prejudice to any rights accrued thereunder before the coming into operation of this Order.

Interpretation

3.—(1) In this Order—

“ the Act ” means the Diseases of Animals Act 1950 ;

“ affected animal ” means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis ;

“ bovine animal ” means a bull, cow, steer, heifer or calf ;

“ cow ” includes a heifer that has calved or is in milk.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

(a) 14 Geo. 6. c. 36.

(b) S.R. & O. 1938/165, 1946/122 (Rev. II, p. 658; 1938 I, p. 293; 1946 I, p. 39).

(c) S.I. 1950/2005 (1950 I, p. 186).

(d) S.I. 1959/1460, 1960/1714 (1959 I, p. 242; 1960 I, p. 310).

(e) 52 & 53 Vict. c. 63.

Compensation for, and ascertainment of value of, bovine animals slaughtered pursuant to section 17 of the Act of 1950

4.—(1) Where under the power conferred by section 17 of the Act the Secretary of State causes a bovine animal to be slaughtered because—

- (a) it is an affected animal ;
- (b) it has reacted to a tuberculin test ; or
- (c) it has been exposed to the infection of tuberculosis by contact with any such animal as is mentioned in heads (a) or (b) of this paragraph,

the compensation payable by him for the animal shall, subject to Article 5 of this Order, be the amount determined in accordance with the following provisions of this Article.

(2) The said compensation shall be—

- (a) in the case of any such animal as is mentioned in heads (a) or (b) of the preceding paragraph the sum of £120 or an amount equal to three-fourths of its market value, whichever is the less ;
- (b) in the case of any such animal as is mentioned in head (c) of the preceding paragraph (not being an animal as mentioned in heads (a) or (b) thereof) an amount equal to its market value.

(3) Notwithstanding the provisions of Article 4 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(a) the market value of a bovine animal which the Secretary of State proposes to cause to be slaughtered, shall, for the purposes of payment of compensation, be determined, in default of agreement, by a valuer appointed by the Secretary of State and the owner of the animal and paid by the Secretary of State, or failing such appointment, by a valuer nominated by the President of the Institute of Auctioneers and Appraisers in Scotland and paid by the Secretary of State, and such valuer shall give to the Secretary of State and to the owner a certificate in writing of the said value.

In this paragraph a reference to a valuer shall be taken as a reference to an individual and not to a company or firm or to two or more persons acting jointly.

(4) For the purposes of this Article, the market value of a bovine animal is the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market—

- (a) in the case of an affected animal, if it were not affected ;
- (b) in the case of an animal which has reacted to a tuberculin test, if it had not so reacted ; and
- (c) in the case of an animal which has been exposed to the infection of tuberculosis by contact with any such animal as is mentioned in heads (a) or (b) of this paragraph, if it had not been so exposed.

Compensation for 'control animals'

5.—(1) Notwithstanding anything in Article 4 of this Order the compensation payable in respect of an animal to which this Article applies, being an animal which the Secretary of State causes to be slaughtered on account of tuberculosis pursuant to paragraph (a) or (b) of section 17(1) of the Act, shall consist only of the value of the carcase of the animal less the expenses reasonably incurred by the Secretary of State in relation to the animal before slaughter, to the slaughter of the animal and to the subsequent disposal of the carcase.

(a) S.I. 1959/1335 (1959 I, p. 227).

(2) This Article applies to any bovine animal (in this paragraph referred to as "the control animal") as respects which it is a condition of any Order under the Act allowing any other bovine animal (in this paragraph referred to as "the imported animal") to be landed in Scotland that the control animal shall be placed together with the imported animal in an imported animals' quarantine station, there to serve as a control in relation to the imported animal as respects any disease of bovine animals.

Given under the Seal of the Secretary of State for Scotland.

7th July 1964.

Michael Noble,
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed.

9th July 1964

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

We approve,

21st July 1964.

M. A. Hamilton,
Martin McLaren,
Two of the Lords' Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes and re-enacts for Scotland the Tuberculosis (Compensation) Order 1950 as amended (S.I.—1950/2005, 1959/1460, 1960/1714), which prescribed the scale of compensation payable for cattle slaughtered under Section 17 of the Diseases of Animals Act 1950 because they have reacted to a tuberculin test, or have been exposed to the infection of tuberculosis by contact with a reactor. The scale of compensation prescribed will apply henceforth as well to cattle slaughtered because they are affected with clinical tuberculosis, or have been exposed to infection by contact with animals so affected. This is in substitution for the scale prescribed in Articles 6 and 7 of the Tuberculosis Order of 1938, as amended (S.R. & O. 1938/165, 1946/122), both of which Articles are revoked.

The Order contains an exception for cattle (referred to as "control animals") which are required to serve as controls in connection with the importation of cattle from overseas. Compensation on slaughter of such control animals is limited to the carcase value of the animal, less the Secretary of State's reasonable expenses.

1964 No. 1153

CONSUMER PROTECTION**The Children's Nightdresses Regulations 1964**

<i>Made -</i>	<i>23rd July 1964</i>
<i>Laid before Parliament</i>	<i>29th July 1964</i>
<i>Coming into Operation</i>	<i>1st October 1964</i>

In pursuance of sections 1 and 2 of, and paragraphs 3 and 7 of the Schedule to, the Consumer Protection Act 1961(a), and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

Materials to be used

1.—(1) A children's nightdress shall not be made of, or trimmed below the waist or elbow with, any fabric of a kind not capable of satisfying the performance requirements specified in the British Standard Specification "Performance Requirements of Fabrics described as of Low Flammability B.S. 3121: 1959" published on 23rd March 1959.

For the purposes of this paragraph, the reference in clause 3 of the said specification to "B.S. 2963" shall be construed as a reference to the British Standard Specification "Tests for the Flammability of Fabrics B.S. 2963: 1958", as amended by Amendment No. 1 published on 27th November 1959.

(2) Where fabric with which a children's nightdress is made or trimmed contains fibres made of a synthetic substance which will melt with the application of heat—

(a) any fabric stitched to that fabric below the waist or elbow of the nightdress shall be of the same kind, or of a kind consisting wholly of fibres which will melt with the application of heat; and

(b) any thread with which that fabric is stitched shall be of a kind which will melt with the application of heat.

(3) Nothing in this Regulation shall prohibit the use of elastic or elastic thread for shirring.

Labelling

2.—(1) Where a children's nightdress is made of a fabric which has been treated with chemicals to make it safer from fire, that nightdress shall bear a warning against washing it with soap or soap powder and against boiling or bleaching it.

(2) The warnings required by this Regulation shall be set out in legible and durable characters upon a durable label stitched to the nightdress:

Provided that until 1st April 1965 it shall be a sufficient compliance with this paragraph if the warnings are set out as aforesaid upon a removable ticket attached to the nightdress.

Goods already manufactured

3. As respects the requirements of these Regulations, subsections (1) and (2) of section 2 of the Act (which prohibits sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to goods and component parts manufactured before the coming into operation of these Regulations notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

Local authorities

4.—(1) The Schedule to the Act shall have effect in relation to goods to which these Regulations apply.

(2) Any test of goods to which these Regulations apply, being a test such as is referred to in paragraph 2 of the Schedule to the Act (which empowers a local authority to purchase goods for the purpose of a test) shall be carried out, at the expense of the local authority, by such person or body as may be authorised by the Secretary of State under this Regulation to carry out such tests.

(3) In relation to goods to which these Regulations apply “local authority” in the Schedule to the Act and paragraph (2) of this Regulation shall mean the council of a county borough, the council of a London borough or the Common Council of the City of London; as respects any non-county borough or urban district which has according to the last published census for the time being a population of 60,000 or upwards, the council of the borough or urban district; and as respects any other area the council of the county; and, in Scotland, the council of any county or any town.

(4) The reference in paragraph (3) of this Regulation to a London borough shall, until 1st April 1965, be construed as a reference to a metropolitan borough.

Interpretation

5.—(1) In these Regulations—

“the Act” means the Consumer Protection Act 1961; and

“children’s nightdress” means a nightdress which—

(a) has a finished garment chest measurement not exceeding 38 inches, and

(b) is of a length which, measured from the highest point of the shoulder to the bottom of the garment, does not exceed 46 inches, not being a nightdress—

(i) which is so made or designed that it is unsuitable for wear by persons under the age of 13, or

(ii) which is designed as an infant’s gown suitable for wear by newly-born babies.

In this definition “finished garment chest measurement” means twice the measurement of the garment across the chest when the garment is laid out as flat as possible without distorting its natural two-dimensional shape.

(2) The Interpretation Act 1889^(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

Citation and commencement

6. These Regulations may be cited as the Children's Nightdresses Regulations 1964 and shall come into operation on 1st October 1964.

Henry Brooke,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

23rd July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

By the Consumer Protection Act 1961 the Secretary of State is empowered to make regulations imposing requirements, in respect of any prescribed class of goods, to prevent or reduce risk of death or personal injury.

These Regulations impose such requirements in relation to children's nightdresses (as defined in Regulation 5(1)) and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale a children's nightdress not complying with the Regulations.

Regulation 1 relates to the materials used in the garments and, among other things, requires any fabric used to be of a kind capable of satisfying the requirement of the British Standard for fabrics "described as of low flammability".

Regulation 2 relates to the labelling of nightdresses made of fabrics which have been treated with chemicals to make them safer from fire.

Under Regulation 3 the prohibition on sale of goods not complying with the Regulations will apply to goods manufactured before the coming into operation of the Regulations.

Regulation 4 makes provision as regards enforcement, in particular as to the local authorities responsible.

1964 No. 1166

SUGAR

The Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964

<i>Made - . . .</i>	23rd July 1964
<i>Laid before Parliament</i>	27th July 1964
<i>Coming into Operation</i>	28th July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956^(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964 ; and shall come into operation on 28th July 1964.

(2) The Interpretation Act 1889^(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 3) Order 1964^(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 28th July 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)^(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 28th July 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 3) Order 1964 be those specified in Schedule 2 to this order.

(a) 4 & 5 Eliz. 2. c. 48.

(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 44.

(d) S.I. 1964/1064 (1964 II, p. 2352).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

We concur.

23rd July 1964.

M. A. Hamilton,
John Peel,

Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1
PART I
SURCHARGE RATES FOR SUGAR

Polarisation	Rate of Surcharge per cwt.
	s. d.
Exceeding—	
99°	28 0·0
98° but not exceeding 99°	26 4·8
97° " " 98°	25 9·1
96° " " 97°	25 1·0
95° " " 96°	24 4·9
94° " " 95°	23 8·9
93° " " 94°	23 0·8
92° " " 93°	22 4·8
91° " " 92°	21 8·7
90° " " 91°	21 0·6
89° " " 90°	20 4·6
88° " " 89°	19 8·5
87° " " 88°	19 1·8
86° " " 87°	18 7·1
85° " " 86°	18 1·0
84° " " 85°	17 7·0
83° " " 84°	17 0·9
82° " " 83°	16 6·9
81° " " 82°	16 1·5
80° " " 81°	15 8·1
79° " " 80°	15 2·7
78° " " 79°	14 9·4
77° " " 78°	14 4·0
76° " " 77°	13 10·6
Not exceeding 76°	13 6·0

PART II
SURCHARGE RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge per cwt.
	s. d.
70 per cent. or more	17 9
Less than 70 per cent. and more than 50 per cent.	12 9
Not more than 50 per cent.	6 3

SCHEDULE 2
SURCHARGE REPAYMENT RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
	s. d.
More than 80 per cent.	21 0
More than 70 per cent. but not more than 80 per cent.	17 9
More than 60 per cent. but not more than 70 per cent.	12 9
More than 50 per cent. but not more than 60 per cent.	10 1
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon	6 3

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes—

- (a) increases equivalent to 4s. 8d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 28th July 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

1964 No. 1167

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
(No. 5) Order 1964**

<i>Made - - - -</i>	<i>23rd July 1964</i>
<i>Laid before Parliament</i>	<i>27th July 1964</i>
<i>Coming into Operation</i>	<i>28th July 1964</i>

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order^(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956^(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 5) Order 1964 ; and shall come into operation on 28th July 1964.

(2) The Interpretation Act 1889^(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 28th July 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964^(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 4) Order 1964^(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 28th July 1964.

(a) S.I. 1964/1065 (1964 II, p. 2355).

(c) 10 & 11 Eliz. 2, c. 44.

(e) S.I. 1964/1166 (1964 II, p. 2649).

(b) 4 & 5 Eliz. 2, c. 48.

(d) 52 & 53 Vict. c. 63.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1964.

(L.S.)

E. Jones Parry,
Authorised by the Minister.

SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter	2 9
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	12 5
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter	17 9
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter	12 9
	containing not more than 50 per cent. by weight of sweetening matter	6 3
17.02 (F) ..	Caramel :— Solid	28 0
	Liquid	19 7
17.04	Sugar confectionery, not containing cocoa	22 9
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	16 3
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits	per cent. 6
	Other	3½

(a) S.I. 1961/403 (1961 I, p. 585).

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 8½
20.03	Fruit preserved by freezing, containing added sugar	3
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 18 5
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	17 7
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 12 3
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	1½ 14½
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	14½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 18 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 28th July 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964 (S.I. 1964/1166). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

1964 No. 1168

CINEMATOGRAPHS AND CINEMATOGRAPH FILMS**BRITISH FILMS (FINANCE)****The Cinematograph Films (Distribution of Levy) (Amendment) Regulations 1964***Laid before Parliament in draft**Made - - - - - 23rd July 1964**Coming into Operation 1st September 1964*

Whereas a draft of these Regulations has been laid before Parliament and approved by Resolution of each House pursuant to section 3(4) of the Cinematograph Films Act 1957(a):

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by section 3 of the said Act, and after consultation with the Cinematograph Films Council, hereby make the following Regulations:—

1. Regulation 13(2) of the Cinematograph Films (Distribution of Levy) Regulations 1963(b) shall be amended by adding to the proviso thereto (which sets out certain matters which are to be disregarded in determining whether a film is a “television film” for the purpose of those Regulations) the following:—

“ (iv) any agreement or arrangement for the exhibition of a film on pay television ;

(v) any exhibition of a film on pay television otherwise than during the period of six months ending with the date of registration of the film in question.

In this proviso references to pay television are references to an experimental television service provided or to be provided to subscribers by a licensee under the Telegraph Act 1869(c)”.

2. These Regulations may be cited as the Cinematograph Films (Distribution of Levy) (Amendment) Regulations 1964 and shall come into operation on 1st September 1964.

Drumalbyn,
Minister of State,
Board of Trade.

23rd July 1964.

(a) 5 & 6 Eliz. 2. c. 21. (b) S.I. 1963/1376 (1963 II, p. 2373). (c) 32 & 33 Vict. c. 73.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Cinematograph Films (Distribution of Levy) Regulations 1963 (S.I. 1963/1376).

Under those Regulations a registered film loses its eligibility for distribution of the film levy if an agreement or arrangement to exhibit it on television is in existence at the date of its registration or if it is exhibited on television earlier than twelve months after its registration.

These amending Regulations modify the position in relation to pay television. A film will lose its eligibility for distribution of levy only if it is exhibited during the period of six months prior to registration.

1964 No. 1169

ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment)
(No. 2) Regulations 1964**

<i>Made</i>	24th July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation—</i>	
<i>Except Regulation 16</i>	21st August 1964
<i>Regulation 16</i>	1st January 1966

The Minister of Transport, in exercise of his powers under section 64(1) of the Road Traffic Act 1960(a) as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b) and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 21st August 1964, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Construction and Use) Regulations 1963(d), as amended(e), shall be further amended in accordance with the following provisions of these Regulations.

3. Regulation 3 (Interpretation) shall have effect as though—

(a) in paragraph (1)—

(i) for the definition of “overall length” there were substituted the following definition:—

“ ‘overall length’ means the length of a vehicle measured between vertical planes at right angles to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of—

(a) any driving mirror ;

(b) any starting handle ;

(c) any hood when down ;

(d) any expanding or extensible contrivance forming part of a turntable fire escape fixed to a vehicle ;

(e) any telescopic fog lamp when extended ;

(f) any snow-plough fixed in front of a vehicle ;

(g) any post office letter box the length of which measured parallel to the longitudinal axis of the vehicle does not exceed 12 inches ; and

(h) any container specially designed to hold and keep secure a seal issued for the purposes of custom's clearance.

(a) 8 & 9 Eliz. 2. c. 16.

(b) 10 & 11 Eliz. 2. c. 59.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1963/1646 (1963 III, p. 3095).

(e) There is no relevant amending instrument.

and, except for the purposes of Regulation 105 of these Regulations, exclusive of any front corner marker lamp or side marker lamp within the meaning of the Road Vehicles Lighting Regulations 1964(a) carried on the vehicle in accordance with those Regulations.

In ascertaining the extreme projecting points of a vehicle account shall be taken of any device or any receptacle on or attached to the vehicle which increases the carrying capacity of the vehicle unless—

- (i) it is a tailboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading,
 - (ii) it is a tailboard which is let down in order to facilitate the carriage of, but which is not essential for the support of, loads which are in themselves so long as to extend at least as far as the tailboard when in the upright position, or
 - (iii) it is a receptacle which is constructed or adapted for the purpose of being lifted on or off vehicles with goods or burden contained therein and is from time to time actually used for that purpose in the ordinary course of business ; ” ;
- (ii) for the definition of “overall width” there were substituted the following definition :—

“overall width’ means the width of a vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of—

- (a) any driving mirror ;
- (b) any direction indicator ;
- (c) any snow-plough fixed in front of the vehicle ;
- (d) so much of the distortion of any tyre as is caused by the weight of the vehicle ;
- (e) in the case of vehicles registered before 2nd January 1939 so much of a swivelling window designed to allow the driver to give hand signals as projects when opened not more than 4 inches beyond the side of the vehicle ; and
- (f) any container specially designed to hold and keep secure a seal issued for the purposes of customs clearance,

and, except for the purposes of Regulation 105 of these Regulations, exclusive of any such front corner marker lamp or side marker lamp as aforesaid.

In ascertaining the extreme projecting points of a vehicle account shall be taken of any device or any receptacle on or attached to the vehicle which increases the carrying capacity of the vehicle unless—

- (i) it is a sideboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading, or
- (ii) it is a receptacle which is constructed or adapted for the purpose of being lifted on or off vehicles with goods or burden contained therein and is from time to time actually used for that purpose in the ordinary course of business ; ” ;

(a) S.I. 1964/205 (1964 I, p. 345).

(iii) after the definition of "wheeled" there were inserted the following definition:—

"'wide tyre' means a pneumatic tyre as respects which its area of contact with the road surface is not less than 12 inches in width when measured at right angles to the longitudinal axis of the vehicle;" ; and

(b) after paragraph (4) there were inserted the following paragraph:—

"(4A) For the purpose of counting the number of axles of a vehicle to which the provisions of Regulation 71A relating to weight apply, where the centres of the areas of contact between all the wheels and the road surface can be included between any two vertical planes at right angles to the longitudinal axis of the vehicle less than 3 feet 4 inches apart, those wheels shall be treated as constituting one axle."

4. Regulation 7 (Overall length) shall have effect as though:—

(a) in paragraph (1) for the words "35 feet" there were substituted the words "13 metres";

(b) proviso (a) were omitted;

(c) in paragraph (2) for the words "36 feet" there were substituted the words "11 metres"; and

(d) in paragraph (3) for the words "30 feet" there were substituted the words "11 metres".

5. Regulation 9 (Variation of wheel load) shall have effect as though for the words "2½ tons" there were substituted the words "3 tons".

6. Regulation 31 (Overall width of locomotives) shall have effect as though for the words "9 feet" there were substituted the words "2.75 metres".

7. Regulation 36 (Overall width of motor tractors) shall have effect as though for the words "7 feet 6 inches" there were substituted the words "2.5 metres".

8. Regulation 40 (Overall width of heavy motor cars) shall have effect as though:—

(a) for the words "7 feet 6 inches" there were substituted the words "2.5 metres"; and

(b) the proviso were omitted.

9. For Regulation 41 (Overhang of heavy motor cars) there shall be substituted the following Regulation:—

"*Overhang*

41. The overhang of a heavy motor car shall not exceed 60 per cent. of the distance between the plane perpendicular to the longitudinal axis of the vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in Regulation 3 of these Regulations:

Provided that—

(a) in the case of a vehicle designed for use and mainly used for the purpose of heating a road or other like surface in the process of construction, repair or maintenance, no part of the heating plant shall be taken into account when calculating the overhang; and

(b) this Regulation shall not apply in the case of—

- (i) a heavy motor car registered before 15th August 1928,
- (ii) a heavy motor car designed for use and used solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools,
- (iii) a works truck, or
- (iv) a heavy motor car designed so that it can dispose of its load by tipping to the rear, if the overhang does not exceed 45 inches.”.

10. Regulation 45 (Overall width of motor cars) shall have effect as though:—

- (a) for the words “7 feet 6 inches” there were substituted the words “2·5 metres”; and
- (b) the proviso were omitted.

11. For Regulation 46 (Overhang of motor cars) there shall be substituted the following Regulation:—

“ Overhang

46. The overhang of a motor car shall not exceed 60 per cent. of the distance between the plane perpendicular to the longitudinal axis of the vehicle which passes through the centre or centres of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in Regulation 3 of these Regulations:

Provided that—

- (a) in the case of a motor car registered before 1st January 1966 the overhang may be increased by not more than 3 inches, if the distance between the foremost and rearmost axles does not exceed 7 feet 6 inches; and
- (b) this Regulation shall not apply in the case of—
 - (i) a motor car registered on or before 2nd January 1933,
 - (ii) a motor car designed for use and used solely in connection with street cleansing, the collection or disposal of refuse or the collection or disposal of the contents of gullies or cesspools or as an ambulance, or
 - (iii) a works truck.”.

12. Regulation 56 (Overall length of trailers) shall have effect as though for the words “22 feet” there were substituted the words “7 metres”.

13. For Regulation 57 (Overall width of trailers) there shall be substituted the following Regulation:—

“ Overall width

57.—(1) Save as provided in paragraph (3) of this Regulation the overall width of a trailer shall not exceed 7 feet 6 inches:

Provided that the said width may be—

- (a) 2·5 metres in the case of a trailer in relation to which the conditions mentioned in paragraph (2) of this Regulation are complied with;

(b) exceeded by not more than 15 inches in the case of a trailer which is in use by a travelling showman in connection with his business and was in such use before 15th January 1931 ; and

(c) exceeded by not more than 6 inches in the case of a trailer constructed before 1st January 1933 which has been converted from use with solid tyres to use with pneumatic tyres if the width of no part of the vehicle exceeds 7 feet 6 inches except in so far as such increase is rendered necessary by the conversion.

(2) The conditions referred to in paragraph (1) of this Regulation are that :—

(a) every wheel of the trailer is fitted with a pneumatic tyre ;

(b) the trailer is drawn by a locomotive, a motor tractor or a heavy motor car or, where the trailer forms part of an articulated vehicle the other part of which is a motor car, the motor car exceeds 2 tons in weight unladen ;

(c) every wheel of the vehicle (not being a locomotive) by which the trailer is drawn is fitted with a pneumatic tyre ; and

(d) the outermost part of the trailer comprised in its overall width and on either side of the trailer does not extend more than one foot outwards beyond the outermost part comprised in the overall width of the vehicle by which it is being drawn on the same side, when the longitudinal axis of that vehicle and the longitudinal axis of the trailer lie in parallel vertical planes.

(3) This Regulation shall not apply to a land implement, to a trailer which is a trolley vehicle in course of construction or delivery or to a broken down vehicle which is being drawn by a motor vehicle in consequence of the breakdown.”.

14. After Regulation 71 (Laden weight of articulated vehicle) there shall be inserted the following Regulation :—

“ Increased permissible maximum weights

71A.—(1) This Regulation applies to the following vehicles, that is to say,—

(a) any motor vehicle, being a heavy motor car or a motor car registered on or after 1st February 1963, which has securely affixed to it in a conspicuous and readily accessible position by or on behalf of the original manufacturer of the vehicle a plate containing the particulars required by Part I of Schedule 7 to these Regulations, the said particulars being completed on behalf of the said manufacturer in accordance with Part III of that Schedule and the plate otherwise complying with the provisions contained in that Part, but not when drawing a trailer other than a trailer falling within paragraph (1)(c) or (d) of this Regulation, whether or not those vehicles form an articulated vehicle ;

(b) any motor vehicle, being a heavy motor car or a motor car, brought temporarily into Great Britain by a person resident abroad which—

(i) is not registered under the Vehicles (Excise) Act 1962(a),

(ii) complies with the requirements mentioned in Regulation 4(6) of these Regulations (which relates to vehicles brought temporarily into Great Britain), and

(iii) carries a plate securely affixed to it in a conspicuous and readily accessible position issued by the competent authority in the country where it is registered indicating the permissible maximum weight for the vehicle in that country,

but not when drawing a trailer other than a trailer falling within paragraph (1)(c) or (d) of this Regulation, whether or not those vehicles form an articulated vehicle ;

(c) any trailer constructed on or after 1st February 1963 in relation to which the following conditions are fulfilled—

(i) the trailer has securely affixed to it in a conspicuous and readily accessible position by or on behalf of the original manufacturer of the trailer a plate containing the particulars required by Part II of the said Schedule 7, the said particulars being completed on behalf of the said manufacturer in accordance with Part III of that Schedule and the plate otherwise complying with the provisions contained in that Part,

(ii) the trailer is drawn by either—

(A) a vehicle to which paragraph (1)(a) or (1)(b) of this Regulation applies, whether or not those vehicles form an articulated vehicle, or

(B) a motor tractor registered on or after 1st February 1963 bearing a plate which in relation to that tractor complies in like manner with the provisions of paragraph (1)(a) of this Regulation, or

(C) a motor tractor brought temporarily into Great Britain by a person resident abroad, the said tractor complying with the provisions of heads (i) to (iii) of paragraph (1)(b) of this Regulation ; and

(d) any trailer whenever constructed, brought temporarily into Great Britain by a person resident abroad, in relation to which the following conditions are fulfilled—

(i) the trailer complies with the requirements mentioned in Regulation 4(6) of these Regulations,

(ii) the trailer carries a plate securely affixed to it in a conspicuous and readily accessible position issued by the competent authority in a country outside Great Britain indicating the permissible maximum weights for the vehicle in that country, and

(iii) the trailer is drawn by any such vehicle as is mentioned in head (ii) of paragraph (1)(c) of this Regulation,

subject to any motor vehicle to which sub-paragraph (a) or (b) of this paragraph applies, when not forming part of a combination of vehicles, complying as regards its braking efficiency with the requirements of the following paragraph and, where at least one vehicle to which any sub-paragraph of this paragraph applies forms part of a combination of vehicles, the combination complying as regards its braking efficiency with the said requirements.

(2) The requirements as regards braking efficiency mentioned in the preceding paragraph are that the vehicle or the combination of vehicles, as the case may be, shall have brakes which by one means of operation

have a total braking efficiency of not less than 50 per cent. and which by a second independent means of operation have a total braking efficiency of not less than 25 per cent.

In this paragraph 'braking efficiency' means the maximum force capable of being developed by the application of the brakes of a vehicle or a combination of vehicles expressed as a percentage of the weight of the vehicle or the combination of vehicles (as the case may be), including any persons (not being fare paying or other travelling passengers) or load carried.

(3) Notwithstanding anything to the contrary contained in Regulation 67, 68 or 69 of these Regulations, in the case of a vehicle to which this Regulation applies the weight transmitted to the road surface by any one wheel where no other wheel is in the same line transversely may amount to but shall not exceed 5 tons and the total weight so transmitted by any two wheels in line transversely may amount to but shall not exceed 10 tons, if each such wheel is fitted with either two pneumatic tyres having the centres of their areas of contact with the road surface not less than 12 inches apart measured at right angles to the longitudinal axis of the vehicle or with a wide tyre.

(4) (a) Notwithstanding anything to the contrary contained in Regulation 68 or 69 of these Regulations, in the case of a motor vehicle (not being a public service vehicle) and a trailer to which this Regulation applies and fitted with a number of axles specified in column 1 of paragraph 2 of Schedule 8 to these Regulations as respects which the measurements apply as so specified the sum of the weights transmitted to the road surface by all the wheels of the vehicle may amount to but shall not exceed the weight specified in relation to that vehicle in column 2 of the said paragraph.

(b) Notwithstanding anything to the contrary contained in Regulation 71 of these Regulations, in the case of an articulated vehicle formed by vehicles to which this Regulation applies and fitted with a number of axles specified in column 1 of paragraph 3 of the said Schedule as respects which the measurements apply as so specified the sum of the weights transmitted to the road surface by all the wheels of the vehicle may amount to but shall not exceed the weight specified in relation to that vehicle in column 2 of the said paragraph.

(c) Notwithstanding anything to the contrary contained in Regulation 67 of these Regulations, in the case of a vehicle to which this Regulation applies and being a public service vehicle the sum of the weights transmitted to the road surface by all the wheels of the vehicle may amount to but shall not exceed—

- (i) where the distance between the front and rear axles is at least 10 feet 8 inches but less than 12 feet, 15 tons,
- (ii) where the distance between the front and rear axles is at least 12 feet, 16 tons.

For the purposes of this sub-paragraph the distance between any two axles shall be obtained as provided in paragraph 1 of the said Schedule."

15. For Regulation 72 (Distribution of weight) there shall be substituted the following Regulation:—

" Distribution of weight

72. In the case of a heavy motor car, motor car or trailer, whether laden or unladen, the weight transmitted by more than two wheels to any

strip of the road surface upon which the vehicle rests contained between any two parallel lines drawn on that surface at right angles to the longitudinal axis of the vehicle—

- (a) less than 3 feet 4 inches apart shall not exceed 11 tons,
- (b) less than 4 feet apart but 3 feet 4 inches or more apart shall not exceed 16 tons, and
- (c) less than 7 feet apart but 4 feet or more apart shall not exceed 18 tons.”.

16. On and after the 1st January 1966 for Regulation 103 (Overall length of combination of vehicles) there shall be substituted the following Regulation:—

“ 103.—(1) Where a motor vehicle is drawing only one trailer the overall length of the combination of vehicles shall not exceed 18 metres, except that this paragraph shall not apply where the trailer being drawn is constructed and normally used for the conveyance of indivisible loads of exceptional length.

(2) Where a motor vehicle is drawing two or more trailers or only one trailer constructed and normally used for the conveyance of indivisible loads of exceptional length, the overall length of the motor vehicle shall not exceed 30 feet and unless the conditions specified in paragraphs 1 and 2 of Schedule 6 to these Regulations have been complied with, the overall length of the combination of vehicles shall not exceed 85 feet.

(3) For the purposes of this Regulation the reference to the combination of vehicles shall be construed in the same manner as provided in subparagraph (g) of Regulation 105(1) of these Regulations for the purposes of Regulation 106 thereof and the overall length of such a combination shall be measured in the manner provided in subparagraph (h) of the said Regulation 105(1).”

17. After Schedule 6 there shall be added the following new Schedules:—

SCHEDULE 7 (See Regulation 71A)

PART I

Particulars to be shown on plate for motor vehicles
(including motor vehicles forming part of articulated vehicles)

1. Manufacturer's name.
 2. Vehicle type.
 3. Engine type.
 4. Chassis or serial number.
 5. Number of axles.
 6. Maximum weight for each axle.
 7. Maximum gross weight (a).
 8. Maximum train weight (b).
 9. Month and year of manufacture.
- (a) To include any load imposed by the trailer forming part of an articulated vehicle.
- (b) To include trailer, if drawn, or trailer forming part of an articulated vehicle.

PART II**Particulars to be shown on plate for trailers
(including trailers forming part of articulated vehicles)**

1. **Manufacturer's name.**
 2. **Chassis or serial number.**
 3. **Number of axles.**
 4. **Maximum weight for each axle.**
 5. **Maximum load imposed on drawing vehicle(a).**
 6. **Maximum gross weight.**
 7. **Month and year of manufacture.**
- (a) Only for trailers forming part of articulated vehicles.

PART III

1. The weights to be inserted at items 6, 7 and 8 in Part I of this Schedule and at items 4, 5 and 6 in Part II of this Schedule shall be those which the person completing the plate on behalf of the manufacturer considers the vehicle to be fit in all respects to carry, having regard to its design, construction and equipment and the stresses likely to be met with in operation.

2. Weight shall be shown in tons and decimals thereof.

3. All letters and figures shown in a plate shall be not less than one quarter of an inch in height.

SCHEDULE 8 (See Regulation 71A)**PERMISSIBLE MAXIMUM WEIGHTS**

1. For the purposes of this Schedule the distance between any two axles shall be obtained by measuring the shortest distance between the line joining the centres of the points of contact with the road surface of the wheels of one axle and the line joining the centres of the points of contact with the road surface of the wheels of the other axle.

<i>Column</i>	<i>Column</i>
1	2
	<i>Tons</i>
2. Heavy motor cars, motor cars and trailers:—	
(a) in the case of a vehicle with two axles—	
(i) where the distance between the axles is at least 10 feet 8 inches but less than 12 feet 	15
(ii) where the distance between the axles is at least 12 feet	16
(b) in the case of a vehicle with three axles, where the distance between the foremost and rearmost axles is at least 18 feet ...	22
(c) in the case of a vehicle with more than three axles—	
(i) where the distance between the foremost and rearmost axles is at least 23 feet but less than 26 feet 	26
(ii) where the distance between the foremost and rearmost axles is at least 26 feet 	28

Column 1	Column 2 Tons
3. Articulated vehicles:—	
(a) in the case of an articulated vehicle with three axles, where the distance between the foremost and rearmost axles is at least 18 feet	22
(b) in the case of an articulated vehicle with four axles—	
(i) where the distance between the foremost and rearmost axles is at least 23 feet but less than 26 feet	26
(ii) where the distance between the foremost and rearmost axles is at least 26 feet but less than 32 feet	28
(iii) where the distance between the foremost and rearmost axles is at least 32 feet but less than 38 feet	30
(iv) where the distance between the foremost and rearmost axles is at least 38 feet	32
(c) in the case of an articulated vehicle with more than four axles—	
(i) where the distance between the foremost and rearmost axles is at least 23 feet but less than 26 feet	26
(ii) where the distance between the foremost and rearmost axles is at least 26 feet but less than 29 feet 6 inches	28
(iii) where the distance between the foremost and rearmost axles is at least 29 feet 6 inches but less than 32 feet	30
(iv) where the distance between the foremost and rearmost axles is at least 32 feet	32

Given under the Official Seal of the Minister of Transport the 24th July 1964.

(L.S.)

Ernest Marples,
The Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1963 by increasing the permitted dimensions and weights of motor vehicles and trailers and by making certain other alterations in the 1963 Regulations. The following are the main changes:—

1. The permitted overall length of articulated vehicles is now 13 metres (approximately 42 feet 7 inches) instead of 35 feet, of other motor vehicles 11 metres (approximately 36 feet) instead of in cases where it was 30 feet and of trailers 7 metres (approximately 22 feet 11 inches) instead of in cases where it was 22 feet (Regulations 4 and 12).

2. The permitted overall width of motor tractors, heavy motor cars and motor cars is now 2.5 metres (approximately 8 feet 2½ inches) instead of (in general) 7 feet 6 inches and a similar increase in overall width is permitted in the case of trailers satisfying specified requirements (Regulations 7, 8, 10 and 13).

3. The permitted overhang of a heavy motor car or a motor car, as measured in accordance with the 1963 Regulations, is in general increased from 50 per cent. to 60 per cent. (Regulations 9 and 11).

4. A new Regulation 71A increasing the permitted maximum weights of vehicles is introduced into the 1963 Regulations (Regulation 14).

Paragraph (1) of the new Regulation defines the vehicles to which the provisions of that Regulation apply. These vehicles are, in general, heavy motor cars and motor cars first registered under the Vehicles (Excise) Act 1962 after the 1st February 1963, other heavy motor cars and motor cars brought temporarily into Great Britain and certain trailers drawn by any of those vehicles, subject to those vehicles and trailers carrying a plate referred to in that paragraph and to compliance with certain requirements as to braking efficiency mentioned in paragraph (2) of the new Regulation.

Paragraph (3) of the new Regulation permits a vehicle to which the Regulation applies to transmit to the road surface by one wheel, where no other wheel is in the same line transversely, a weight of up to 5 tons instead of 4½ tons and by two wheels, in line transversely, a total weight of up to 10 tons instead of 9 tons.

Paragraph (4)(a) and (b) of the new Regulation provides that the sum of the weights transmitted to the road surface by all the wheels of a vehicle to which the Regulation applies where fitted with axles as shown in Schedule 8 (set out in Regulation 17 of these Regulations) may amount to the relevant weight specified in column 2 of that Schedule.

Paragraph (4)(c) makes provision as to the sum of the weights which may be transmitted to the road surface in the case of a public service vehicle.

5. New provision is made in substitution for Regulation 72 of the 1963 Regulations with regard to the distribution of weight transmitted by vehicles to the road surface (Regulation 15).

6. New provision is introduced as from the 1st January 1966 into Regulation 103 of the 1963 Regulations to the effect that where a motor vehicle is drawing only one trailer the overall length of the combination of vehicles shall not exceed 18 metres (approximately 59 feet) (Regulation 16).

7. The definition of the overall length and of the overall width of a vehicle contained in Regulation 3(1) of the 1963 Regulations is amended so as to provide that in determining that length or width account shall be taken, subject to certain exceptions, of a device or receptacle on or attached to the vehicle which increases its carrying capacity (Regulation 3).

 STATUTORY INSTRUMENTS

1964 No. 1170

ROAD TRAFFIC

**The Motor Vehicles (Authorisation of Special Types)
(Amendment) Order 1964**

Made - - - - 24th July 1964
Coming into Operation 21st August 1964

The Minister of Transport, in exercise of his powers under section 64(4) of the Road Traffic Act 1960(a) as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b) and under subsections (5) and (6) of the said section 64 and of all other powers him enabling in that behalf, hereby makes the following Order :—

1.—(1) This Order shall come into operation on the 21st August 1964 and may be cited as the Motor Vehicles (Authorisation of Special Types) (Amendment) Order 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Authorisation of Special Types) General Order 1963(d) shall have effect as though—

- (1) in Article 17, in paragraph (d), after the number “ 68 ” there were inserted the number “ 71A ” ;
- (2) in Article 17, in paragraph (f), after the number “ 71 ” there were inserted the number “ 71A ” ;
- (3) in Article 19, in paragraph (b) of the definition of “ abnormal indivisible load ”, after the word “ Regulations ” there were inserted the following words “ prior to their amendment by the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1964(e) ” ;
- (4) in Article 20, in paragraph (a), after the word “ trailer ” there were inserted the words “ which does not comply with Part II of the Construction and Use Regulations ” ;
- (5) in Article 20, in paragraph (b), after the word “ tractor ” there were inserted the words “ which does not comply with Part II of the Construction and Use Regulations ” ; and
- (6) in Article 20, in paragraph (c), after the number “ 71 ” there were inserted the number “ 71A ” .

Given under the Official Seal of the Minister of Transport the 24th July 1964.

(L.S.)

J. S. Orme,
An Under Secretary of the
Ministry of Transport.

(a) 8 & 9 Eliz. 2. c. 16. (b) 10 & 11 Eliz. 2. c. 59. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1963/1670 (1963 III, p. 3183). (e) S.I. 1964/1169 (1964 II, p. 2658).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Motor Vehicles (Authorisation of Special Types) General Order 1963 and makes the following main changes :—

(1) In connection with the use on roads of vehicles designed to carry abnormal indivisible loads, the definition of “ abnormal indivisible load ” is amended so that account shall still be taken for the purposes of that definition of the provisions of the Motor Vehicles (Construction and Use) Regulations 1963 prior to their amendment by the Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 1964 (Article 2(3)).

(2) The restrictions on the use on roads of certain vehicles designed to carry or draw abnormal indivisible loads are lightened (Article 2(4) and (5)).

1964 No. 1171 (S. 79)

AGRICULTURE

LIVESTOCK INDUSTRIES

**The Artificial Insemination of Pigs (Scotland)
Regulations 1964**

<i>Made</i>	23rd July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	2nd November 1964

In exercise of the powers conferred on me by section 17 as read with section 19 of the Agriculture (Miscellaneous Provisions) Act 1943(a) and of all other powers enabling me in that behalf, I hereby make the following regulations :—

Citation, extent and commencement

1. These regulations, which may be cited as the Artificial Insemination of Pigs (Scotland) Regulations 1964, shall apply to Scotland and shall come into operation on 2nd November 1964.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“ approved boar ” means a boar kept at an artificial insemination centre for the purpose of the production of permitted semen, and approved by the Secretary of State for the purpose, subject to such conditions as the Secretary of State may specify ;

“ artificial insemination centre ” means premises in respect of which a licence is in force under regulation 4(1) of these regulations ;

“ insemination ” means the artificial insemination of sows, and “ inseminate ” shall be construed accordingly ;

“ semen ” means the semen of boars, and “ permitted semen ” has the meaning assigned to it by regulation 4(4) of these regulations ;

“ sow ” includes gilt ;

“ English centre ” means premises in respect of which a licence is in force under regulation 4(1) of the Artificial Insemination of Pigs (England and Wales) Regulations 1964(b).

(2) For the purpose of these regulations an animal in joint ownership shall not be deemed to be owned by the same person as any other animal or any semen unless all the joint owners of both are the same.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Prohibition of distribution and sale of semen

3.—(1) A person shall not distribute or sell semen except under the authority of a licence issued by the Secretary of State and for the time being in force.

(2) Nothing in this regulation shall require the authority of a licence for—

- (a) the use of semen to inseminate a sow in the same ownership as that semen ;
- (b) the sale or transfer of semen by a former owner of the boar from which it was collected to the present owner of that boar ; or
- (c) the delivery of semen to an artificial insemination centre or a veterinary surgeon or veterinary practitioner for the purpose of storage and the delivery or re-delivery of that semen to its owner for the time being by the centre or the person with whom it has been deposited.

Licensing of artificial insemination centres

4.—(1) The Secretary of State may grant a licence to a person in respect of premises maintained by him authorising him, subject to the provisions of these regulations and to such conditions as may be specified in the licence,

- (a) to distribute or sell permitted semen to an artificial insemination centre or to an English centre, or to veterinary surgeons and veterinary practitioners ; and
- (b) to distribute permitted semen by inseminating sows with it.

(2) A person to whom a licence is granted under this regulation shall not contravene or permit a contravention of any provision of regulation 5 hereof in relation to the centre to which the licence relates, or of the conditions of the licence, and shall take all reasonable steps to secure compliance with them by persons employed by him.

(3) A licence granted under this regulation may authorise the person to whom the licence is granted to distribute or sell permitted semen to persons, or in ways, other than those referred to in paragraph (1) hereof.

(4) In these regulations “permitted semen” means, in relation to any artificial insemination centre—

- (a) semen collected from approved boars at that centre ;
- (b) semen acquired from another artificial insemination centre or from an English centre ; and
- (c) such other semen as the Secretary of State from time to time authorises the licensee of the centre in writing to use as permitted semen,

being in each case semen which is for the time being in the possession or under the control of the licensee of the centre.

Regulation of artificial insemination centres

5.—(1) The following provisions of this regulation shall apply to every artificial insemination centre.

(2) The collection, processing and storage of permitted semen, and insemination with such semen, by or on behalf of the licensee of the centre, shall be carried out under the effective supervision and control of a veterinary surgeon approved by the Secretary of State for the purpose.

(3) No person, unless approved by the Secretary of State for the purpose, shall be employed by the licensee of the centre in the collection, processing or storage of permitted semen, or to inseminate with such semen.

(4) No part of the centre, unless approved by the Secretary of State for the purpose, shall be used for the collection, processing or storage of permitted semen.

(5) No part of the centre, unless approved by the Secretary of State for the purpose, shall be used for the processing or storage of semen (whether of boars or of other animals) other than permitted semen.

(6) Animals or poultry may not be brought into or kept at the centre without the consent of the Secretary of State, or otherwise than in accordance with the terms of such consent.

(7) Subject to such exceptions as may be specified in the licence, semen other than permitted semen shall not be brought into such parts of the centre as have been approved by the Secretary of State for the purposes of paragraph (4) of this regulation, and shall not be collected, processed or stored by means of, or in, equipment which is used for the collection, processing or storage of permitted semen.

(8) If a boar from which permitted semen has been collected at an artificial insemination centre or an English centre has since died or been slaughtered, or has ceased to be kept at such a centre, that semen shall not knowingly be distributed or sold by the licensee of any artificial insemination centre without the consent of the Secretary of State.

(9) The licensee of the centre shall maintain the premises to which the licence relates and the equipment thereof in good condition and repair.

Licences to Veterinary Surgeons

6.—(1) If the Secretary of State is satisfied that, in view of the prevalence of disease amongst swine in any locality or of the remoteness of any locality from an artificial insemination centre or of the existence of other special circumstances in any locality, a veterinary surgeon in the locality should be authorised to distribute semen (being semen obtained by him from an artificial insemination centre) by inseminating sows with it, he may grant a licence to the veterinary surgeon authorising him to do so, and such authority may relate to any sow in the locality or to such sows only therein as the licence may specify.

(2) The Secretary of State may authorise any veterinary surgeon to whom a licence has been granted under this regulation to store any such semen as aforesaid in accordance with such conditions as he may specify.

(3) A veterinary surgeon who holds a licence under this regulation may himself perform the operation of the artificial insemination of a sow with semen to which the licence relates but shall not cause or permit any person other than another veterinary surgeon to perform that operation on such a sow.

(4) Any licence granted under this regulation shall be subject to the following provisions of these regulations and such other conditions as may be specified in it and shall remain in force for such period as may be so specified.

Licences to other persons

7. The Secretary of State may grant a licence to any person, other than a person maintaining an artificial insemination centre, to distribute or sell semen collected from a boar owned by that person to other persons or classes of persons specified in the licence, subject to compliance with such conditions as may be specified in the licence.

Provisions relating to animal health

8.—(1) Semen, whether permitted semen or otherwise, shall not without the written consent of a veterinary officer of the Minister of Agriculture, Fisheries and Food authorised for the purpose by the Secretary of State be—

- (a) used for insemination in a prohibited area ;
- (b) despatched from any part of an artificial insemination centre which lies in a prohibited area ; or
- (c) moved out of a prohibited area ;

Provided that semen may be used without such consent as aforesaid to inseminate a sow in a prohibited area if the semen is in the same ownership as the sow and has never left the possession of the owner.

(2) In this regulation " prohibited area " means—

- (a) an infected area within the meaning of the Diseases of Animals Act 1950(a) for the purpose of preventing the spread of foot-and-mouth disease ; or
- (b) an infected place within the meaning of the said Act for the purpose of preventing the spread of swine fever ; or
- (c) premises in relation to which the movement of swine is restricted by virtue of a notice under any order made under the said Act and relating to foot-and-mouth disease or swine fever.

Restriction on distribution and sale of unsuitable semen

9.—(1) If, in the case of any boar, the Secretary of State gives a written direction to a person in that behalf, semen collected from the boar shall not be distributed or sold by him.

(2) A direction under this regulation shall remain in force until such date as the Secretary of State may specify in the direction or until revoked by him in writing.

Duty to keep records

10.—(1) The holder of a licence granted under these regulations shall—

- (a) keep such records as are set out in the Schedule hereto ;
- (b) retain each entry in the records for two years after it is made ; and
- (c) produce all such records for inspection by a veterinary officer of the Minister of Agriculture, Fisheries and Food or an officer of the Secretary of State (being, in either case, an officer authorised by the Secretary of State for the purpose) at any reasonable hour on request.

(2) The holder of a licence regulated under regulation 4 of these regulations shall, at such dates as the Secretary of State may direct in writing, make in such form and in relation to such matters as may be so directed, returns of a statistical nature bearing on the operation of the centre to which the licence relates.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

23rd July 1964.

Regulation 10

SCHEDULE

RECORDS TO BE KEPT BY LICENCE HOLDERS

1. The following records shall be kept of each distribution or sale of semen by the holder of the licence:—

- (1) The date of distribution (otherwise than by direct insemination) or sale.
- (2) The name and address of the acquirer.

2. The following records shall be kept of each insemination carried out under the authority of the licence:—

- (1) The name and address of the owner of the sow.
- (2) The date and place of insemination.
- (3) The address at which the sow is normally kept.
- (4) Particulars in relation to the sow—
 - (a) breed or type ;
 - (b) colour ;
 - (c) earmarks (if any).
- (5) The name and breed of the boar from which the semen was collected.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which come into operation on 2nd November 1964, are made under section 17 of the Agriculture (Miscellaneous Provisions) Act 1943. They prohibit the distribution or sale of boar semen without a licence from the Secretary of State except in three cases: insemination of a sow with semen owned by the same person, sale or transfer of semen by the old owner to the new owner of the boar, and delivery to and redelivery from a veterinary surgeon or practitioner or an artificial insemination centre for the purpose of storage.

Special provision is made for the licensing and regulation of artificial insemination centres for pigs, and for enabling the Secretary of State to prohibit the distribution or sale of unsuitable semen by a person, whether he holds a licence or not. Restrictions are placed on the collection, movement and use of semen in certain areas subject to animal health restrictions in connection with the control of foot-and-mouth disease and swine fever.

1964 No. 1172

AGRICULTURE

LIVESTOCK INDUSTRIES

**The Artificial Insemination of Pigs (England and Wales)
Regulations 1964**

<i>Made - - - - -</i>	<i>20th July 1964</i>
<i>Laid before Parliament</i>	<i>30th July 1964</i>
<i>Coming into Operation</i>	<i>2nd November 1964</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 17 of the Agriculture (Miscellaneous Provisions) Act 1943(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Artificial Insemination of Pigs (England and Wales) Regulations 1964, shall apply to England and Wales and shall come into operation on 2nd November 1964.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“ approved boar ” means a boar kept at an artificial insemination centre for the purpose of the production of permitted semen, and approved by the Minister for the purpose, subject to such conditions as the Minister may specify ;

“ artificial insemination centre ” means premises in respect of which a licence is in force under regulation 4(1) of these regulations ;

“ insemination ” means the artificial insemination of sows, and “ inseminate ” shall be construed accordingly ;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ semen ” means the semen of boars, and “ permitted semen ” has the meaning assigned to it by regulation 4(4) of these regulations ;

“ sow ” includes gilt ;

“ Scottish centre ” means premises in respect of which a licence is in force under regulation 4(1) of the Artificial Insemination of Pigs (Scotland) Regulations 1964(b).

(2) For the purpose of these regulations an animal in joint ownership shall not be deemed to be owned by the same person as any other animal or any semen unless all the joint owners of both are the same.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Prohibition of distribution and sale of semen

3.—(1) A person shall not distribute or sell semen except under the authority of a licence issued by the Minister and for the time being in force.

(a) 6 & 7 Geo. 6. c. 16. (b) S.I. 1964/1171 (1964 II, p. 2671). (c) 52 & 53 Vict. c. 63.

- (2) Nothing in this regulation shall require the authority of a licence for—
- (a) the use of semen to inseminate a sow in the same ownership as that semen ;
 - (b) the sale or transfer of semen by a former owner of the boar from which it was collected to the present owner of that boar ; or
 - (c) the delivery of semen to an artificial insemination centre or a veterinary surgeon or veterinary practitioner for the purpose of storage and the delivery or re-delivery of that semen to its owner for the time being by the centre or the person with whom it has been deposited.

Licensing of artificial insemination centres

4.—(1) The Minister may grant a licence to a person in respect of premises maintained by him authorising him, subject to the provisions of these regulations and to such conditions as may be specified in the licence,

- (a) to distribute or sell permitted semen to an artificial insemination centre or to a Scottish centre ; and
- (b) to distribute permitted semen by inseminating sows with it.

(2) A person to whom a licence is granted under this regulation shall not contravene or permit a contravention of any provision of regulation 5 hereof in relation to the centre to which the licence relates, or of the conditions of the licence, and shall take all reasonable steps to secure compliance with them by persons employed by him.

(3) A licence granted under this regulation may authorise the person to whom the licence is granted to distribute or sell permitted semen to persons or in ways other than those referred to in paragraph (1) hereof.

(4) In these regulations “permitted semen” means, in relation to any artificial insemination centre—

- (a) semen collected from approved boars at that centre ;
- (b) semen acquired from another artificial insemination centre or from a Scottish centre ; and
- (c) such other semen as the Minister from time to time authorises the licensee of the centre in writing to use as permitted semen,

being in each case semen which is for the time being in the possession or under the control of the licensee of the centre.

Regulation of artificial insemination centres

5.—(1) The following provisions of this regulation shall apply to every artificial insemination centre.

(2) The collection, processing and storage of permitted semen, and insemination with such semen, by or on behalf of the licensee of the centre, shall be carried out under the effective supervision and control of a veterinary surgeon approved by the Minister for the purpose.

(3) No person, unless approved by the Minister for the purpose, shall be employed by the licensee of the centre in the collection, processing or storage of permitted semen, or to inseminate with such semen.

(4) No part of the centre, unless approved by the Minister for the purpose, shall be used for the collection, processing or storage of permitted semen.

(5) No part of the centre, unless approved by the Minister for the purpose, shall be used for the processing or storage of semen (whether of boars or of other animals) other than permitted semen.

(6) Animals or poultry may not be brought into or kept at the centre without the consent of the Minister, or otherwise than in accordance with the terms of such consent.

(7) Subject to such exceptions as may be specified in the licence, semen other than permitted semen shall not be brought into such parts of the centre as have been approved by the Minister for the purposes of paragraph (4) of this regulation, and shall not be collected, processed or stored by means of, or in, equipment which is used for the collection, processing or storage of permitted semen.

(8) If a boar from which permitted semen has been collected at an artificial insemination centre or a Scottish centre has since died or been slaughtered, or has ceased to be kept at such a centre, that semen shall not knowingly be distributed or sold by the licensee of any artificial insemination centre without the consent of the Minister.

(9) The licensee of the centre shall maintain the premises to which the licence relates and the equipment thereof in good condition and repair.

Licences to other persons

6. The Minister may grant a licence to any person, other than a person maintaining an artificial insemination centre, to distribute or sell semen collected from a boar owned by that person to other persons or classes of persons specified in the licence, subject to compliance with such conditions as may be specified in the licence.

Provisions relating to animal health

7.—(1) Semen, whether permitted semen or otherwise, shall not without the written consent of a veterinary officer of the Minister be—

- (a) used for insemination in a prohibited area ;
- (b) despatched from any part of an artificial insemination centre which lies in a prohibited area ; or
- (c) moved out of a prohibited area :

Provided that semen may be used without such consent as aforesaid to inseminate a sow in a prohibited area if the semen is in the same ownership as the sow and has never left the possession of the owner.

(2) In this regulation “ prohibited area ” means—

- (a) an infected area within the meaning of the Diseases of Animals Act 1950^(a) for the purpose of preventing the spread of foot-and-mouth disease ; or
- (b) an infected place within the meaning of the said Act for the purpose of preventing the spread of swine fever ; or
- (c) premises in relation to which the movement of swine is restricted by virtue of a notice under any order made under the said Act and relating to foot-and-mouth disease or swine fever.

Restriction on distribution and sale of unsuitable semen

8.—(1) If, in the case of any boar, the Minister gives a written direction to a person in that behalf, semen collected from the boar shall not be distributed or sold by him.

(2) A direction under this regulation shall remain in force until such date as the Minister may specify in the direction or until revoked by him in writing.

Duty to keep records

9.—(1) The holder of a licence granted under these regulations shall—

- (a) keep such records as are set out in the Schedule hereto ;
- (b) retain each entry in the records for two years after it is made ; and
- (c) produce all such records for inspection by a duly authorised officer of the Minister at any reasonable hour on request.

(2) The holder of a licence granted under regulation 4 of these regulations shall, at such dates as the Minister may direct in writing, make in such form and in relation to such matters as may be so directed, returns of a statistical nature bearing on the operation of the centre to which the licence relates.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

SCHEDULE

Regulation 9

RECORDS TO BE KEPT BY LICENCE HOLDERS

1. The following records shall be kept of each distribution (otherwise than by direct insemination) or sale of semen by the holder of the licence:—

- (1) The date of distribution or sale.
- (2) The name and address of the acquirer.

2. The following records shall be kept of each insemination carried out under the authority of the licence:—

- (1) The name and address of the owner of the sow.
- (2) The date and place of insemination.
- (3) The address at which the sow is normally kept.
- (4) Particulars in relation to the sow—

- (a) breed or type ;
- (b) colour ;
- (c) earmarks (if any).

- (5) The name and breed of the boar from which the semen was collected.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which come into operation on 2nd November 1964, are made under section 17 of the Agriculture (Miscellaneous Provisions) Act 1943. They prohibit the distribution or sale of boar semen without a licence from the Minister of Agriculture, Fisheries and Food, except in three cases: insemination of a sow with semen owned by the same person, sale or transfer of semen by the old owner to the new owner of the boar, and delivery to and redelivery from a veterinary surgeon or practitioner or an artificial insemination centre for the purpose of storage.

Special provision is made for the licensing and regulation of artificial insemination centres for pigs, and for enabling the Minister to prohibit the distribution or sale of unsuitable semen by a person, whether he holds a licence or not. Restrictions are placed on the collection, movement and use of semen in certain areas subject to animal health restrictions in connection with the control of foot-and-mouth disease and swine fever.

1964 No. 1173

SEA FISHERIES

BOATS AND METHODS OF FISHING

**The White Fish Industry (Grants for Improvement of
Fishing Vessels) Scheme 1964**

<i>Made</i>	6th July 1964
<i>Laid before Parliament</i>	8th July 1964
<i>Coming into Operation</i>	6th August 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, being the Secretary of State concerned with the Sea Fishing Industry in Scotland, in exercise of the powers conferred on them by section 1 of the White Fish and Herring Industries Act 1953(a), as amended by section 1 of the White Fish and Herring Industries Act 1957(b), section 3 of the Sea Fish Industry Act 1959(c) and sections 3 and 37 of the Sea Fish Industry Act 1962(d) and of all other powers enabling them in that behalf, with the approval of the Treasury and after consultation with the White Fish Authority, hereby make the following scheme:—

Citation, Extent and Commencement

1. This scheme, which may be cited as the White Fish Industry (Grants for Improvement of Fishing Vessels) Scheme 1964, shall apply to Great Britain and shall come into operation 14 days after it has been approved by both Houses of Parliament.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“the Act” means the White Fish and Herring Industries Act 1953;

“the Authority” means the White Fish Authority;

“the control period” has the meaning assigned to it by paragraph 13(2) of this scheme;

“length”, in relation to a vessel, means its length as calculated for the purposes of registration under the Merchant Shipping Act 1894(e);

“relevant equipment” means equipment or apparatus of any description constructed or adapted for the purposes of the catching or processing of white fish;

“white fish” means fish of any kind found in the sea except herring, salmon and migratory trout.

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

(a) 1 & 2 Eliz. 2. c. 17.

(b) 5 & 6 Eliz. 2. c. 22.

(c) 8 & 9 Eliz. 2. c. 7.

(d) 10 & 11 Eliz. 2. c. 31.

(e) 57 & 58 Vict. c. 60.

(f) 52 & 53 Vict. c. 63.

Application for Grants

3.—(1) Subject to the provisions of this scheme a person engaged or proposing to become engaged in the white fish industry in Great Britain by carrying on the business of operating one or more vessels registered in Great Britain (of whatever size and in whatever way propelled) for the catching or processing of white fish may apply to the Authority for a grant in respect of expenditure incurred in pursuance of a contract made after the coming into operation of this scheme in the acquisition, installation, modification, renewal or replacement of any part of a vessel registered or intended to be registered in Great Britain engaged or to be engaged in the catching or processing of white fish or of an engine or of any part of an engine, or of for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel (such acquisition, installation, modification, renewal or replacement being hereinafter in this scheme referred to as "the improvement"); provided that no grant shall be so made in respect of expenditure incurred in the acquisition of any second-hand engine, part, equipment or apparatus.

(2) Applications for grants as aforesaid shall be made in writing in such form as the Authority may from time to time require, and shall be delivered to the Authority at such address as they may at any time or in any particular case direct, not later than 1st September 1972 or such later date (not being later than 1st November 1972) as the Authority may, in special circumstances, allow.

4. Applications for grants as aforesaid may be made only by British subjects resident in Great Britain or corporations incorporated by or under the law of Great Britain.

5. The Authority may require applicants to make a full statement of their financial position, including their assets, debts and obligations and to make available for inspection by the Authority, or their duly authorised agents, such books of account and other records and documents as the Authority may reasonably require.

Amount of Grants

6.—(1) The amount which may be paid in pursuance of this scheme by way of grant in respect of any expenditure where the vessel in question is less than 80 feet in length shall be at the rate of three-tenths of the expenditure and in any other case one-quarter of the expenditure.

(2) In calculating any grant to be paid in pursuance of this scheme the Authority may disregard any proportion or item of the expenditure which in their opinion is unnecessary or unwarranted having regard to the size or character of the vessel in respect of which the application is made or to the kind and to the extent of the fishing in which such vessel is intended to be or is likely to be employed and to the benefit likely to be derived from the expenditure in respect of which the application is made.

Conditions for Payment of Grants

7. No grant shall be payable in pursuance of this scheme unless the Authority are satisfied that the expenditure in relation to which it will be payable is likely to result in an increase in the efficiency or economy of the operation of the vessel in connection with which the application is made as regards one or more of the following matters, that is to say,

(a) the catching of fish;

(b) the handling, processing or storage of fish;

(c) the working conditions of the officers or crew ; and

(d) the condition of fish at the time of landing ;

regard being had to the technical and economic standards prevailing in the fishing industry at the time of the consideration of the application by the Authority and to the results of any experiments and research which have relation to the subject of the particular expenditure.

8. No grant shall be payable in pursuance of this scheme unless the vessel in respect of which the application is made conforms to any standards laid down by the Minister of Transport under the Merchant Shipping Acts 1894 to 1954 and is constructed so as to make such provision for the accommodation of officers and crew as in the opinion of the Authority conforms to the best modern practice, after making due allowance for the age and kind of the vessel concerned, for sleeping and messing accommodation, sanitary accommodation, medical or first-aid facilities, store rooms, catering facilities and other accommodation.

9.—(1) The plans and specifications of the improvement, the tender for expenditure to be incurred and the form of contract to be entered into between the applicant and the builder, supplier or other contractor shall respectively be approved by the Authority before the contract is entered into.

(2) The improvement shall be carried out to the satisfaction of the Authority.

(3) Any person authorised in writing by the Authority shall have the right to inspect a vessel or engine in respect of which a grant has been or is to be made under this scheme at any time during the carrying out of the improvement and thereafter at all reasonable times within the control period.

10. No payment of or on account of a grant shall be made until the sum to be found by the applicant has been paid towards the expenditure in respect of which the application is made. Thereafter payment of or on account of the grant may be made by the Authority direct to the applicant, or on the applicant's behalf to the builder, seller or contractor in one sum or by such instalments and at such times as may be required in conformity with the contract, on the receipt of certificates or such further or other evidence that payment is due as may be required by the Authority.

11. In considering whether or not to approve an application for the payment of a grant in pursuance of this scheme the Authority shall have regard to the needs and interests of the white fish industry or that section of it to which the applicant belongs.

12. If any person makes a false statement or furnishes false information in respect of any of the matters required to be disclosed in connection with an application for payment of a grant under this scheme or if any of the conditions relating to the payment of grants under this scheme are not complied with by an applicant, any payment of or on account of a grant to that applicant may at any time be refused, and any such payment already made in relation to that application may be recovered by the Authority.

13.—(1) Any person whose application for a grant under this scheme is approved by the Authority may be required to give such undertakings as the Authority may consider appropriate to the case, and in particular (but without prejudice to the generality of the foregoing) shall be required in any case—

(a) to prosecute white fish catching diligently and vigorously during the control period to the satisfaction of the Authority ;

- (b) to insure the vessel in connection with which the application is made and keep it insured against all marine risks and war risks during the control period in a sum, agreed with the Authority, which shall be at least sufficient to ensure that in the event of the total loss of the vessel there will be made available sufficient moneys to meet the repayment of the grant or any part thereof which might be repayable at the date of the loss ;
- (c) to keep and make available for inspection by the Authority at all reasonable times during the control period any books, records or other documents necessary to enable the Authority to satisfy themselves that any conditions of the grant have been complied with ;
- (d) if there occurs within the control period—
- (i) the total loss of the vessel arising out of any insured risk, to repay to the Authority the whole of the grant or, if the loss occurs more than three years from the commencement of the control period, a proportion of the grant to be calculated by multiplying the total amount of the grant by the fraction which represents the relationship which the unexpired part of the control period bears to the full control period ;
 - (ii) a breach of any undertaking or condition subject to which the grant was made, or a disposition by way of mortgage, transfer of registration, charter, sale or otherwise of the vessel or of any part, equipment or apparatus which is the subject of the improvement in respect of which the grant or any part of it was made, to repay to the Authority, if in their discretion they shall so require, the whole of the grant, or such lesser sum as they shall deem appropriate ; provided that repayment shall not be required in excess of the amount which would have been repayable at the same date had the provisions of paragraph 13(1)(d)(i) of this scheme been applicable to the case.

(2) For the purposes of paragraphs 9(3) and 13(1) of this scheme “the control period” means, in the case of a grant paid in respect of a vessel of less than 80 feet in length, a period of 5 years and, in the case of a grant paid in respect of any other vessel, a period of 10 years, commencing in each case with the date on which the improvement was completed to the satisfaction of the Authority.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 3rd July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Approved on 6th July 1964.

John Hill,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This scheme, made under the White Fish and Herring Industries Act 1953 as extended by the Sea Fish Industry Act 1962, provides for the payment of grants by the White Fish Authority towards the expenditure on improvements to, and equipment for, vessels registered in Great Britain which are engaged in catching or processing white fish.

Grants are only payable where it appears that improvements are likely to result in increased efficiency or economy of operation of the vessel and the scheme sets out the various conditions subject to which grants are payable.

In the case of a vessel of less than 80 feet in length the grant will be three-tenths of the expenditure and, in the case of larger vessels, one-quarter of the expenditure. Persons receiving grant will be required to undertake certain obligations as regards fishing, insurance of the vessel and production of records. In the event of a breach of such obligations or the loss or disposal of the vessel within a defined control period the grant, or an appropriate proportion of it, will be repayable.

1964 No. 1174

SEEDS

The Seed Potatoes (Amendment) Regulations 1964

<i>Made</i>	23rd July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	17th August 1964

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 7 of the Seeds Act 1920(a), as amended and extended by section 24 of the Agriculture (Miscellaneous Provisions) Act 1963(b) and of all other powers enabling him in that behalf, after consultation with representatives of the interests concerned, hereby makes the following Regulations :—

Citation and Commencement

1. These Regulations, which may be cited as the Seed Potatoes (Amendment) Regulations 1964, shall come into operation on 17th August 1964. These Regulations and the Seed Potatoes Regulations 1963(c) (hereinafter referred to as “the principal Regulations”) may be cited together as the Seed Potatoes Regulations 1963 to 1964.

Amendment of Principal Regulations

2. The principal Regulations are hereby amended as follows :—

- (a) In Regulation 7(2) the words “have inserted in it a label marked with the following particulars or” shall be omitted.
- (b) In the proviso at the end of Regulation 7(3) for the date “1st July 1964” there shall be substituted the date “1st August 1965”.
- (c) In Regulation 9(2) the words “or inserted in it” shall be omitted.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Seed Potatoes Regulations 1963 by withdrawing from a seller of seed potatoes the option to give certain particulars on a label inserted in the bag or sack instead of giving them on a label attached to the bag or sack or marking them on the bag or sack itself. The amendment does not apply in a case where less than 1 cwt. of potatoes is sold by retail.

Where delivery of seed potatoes is effected before 1st August 1965 the Regulations also permit certain other particulars to be given on a label attached to the bag or sack instead of being marked on the bag or sack itself. This, too, does not apply where less than 1 cwt. of potatoes is sold by retail.

1964 No. 1175

SEA FISHERIES**WHITE FISH INDUSTRY****The White Fish Subsidy (United Kingdom) Scheme 1964**

<i>Made</i> -	2nd July 1964
<i>Laid before Parliament</i>	8th July 1964
<i>Coming into Operation</i>	1st August 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland (being the Secretary of State concerned with the sea fishing industry in Scotland) in exercise of the powers conferred upon them by section 5 of the White Fish and Herring Industries Act 1953^(a) (as amended by section 2 of the White Fish and Herring Industries Act 1957^(b) and section 1 of the White Fish and Herring Industries Act 1961^(c)), section 5 of the White Fish and Herring Industries Act 1957 and sections 1 and 2 of the Sea Fish Industry Act 1962^(d), and of all other powers enabling them in that behalf, being satisfied that special rates of grant are needed, as provided by this scheme, by reason of special circumstances, relating to the classes of vessels in respect of which they are so provided, with the approval of the Treasury, hereby make the following scheme:—

Citation, extent, commencement and interpretation

1.—(1) This scheme, which may be cited as the White Fish Subsidy (United Kingdom) Scheme 1964, shall apply to the United Kingdom, and shall come into operation on the 1st August 1964.

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

“the appropriate Minister” means, in relation to white fish landed from vessels in England, Wales or Northern Ireland and voyages made by vessels for the purpose of catching white fish and landing them in England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food; and in relation to white fish landed from vessels in Scotland and voyages made by vessels for the purpose of catching white fish and landing them in Scotland, the Secretary of State for Scotland;

“gross proceeds” means the proceeds from the first-hand sale of all fish (including herring, salmon, migratory trout and shellfish) taken on a voyage less such deductions as may be determined by the appropriate Minister in respect of expenses incurred on services not normally undertaken on a vessel and in respect of the part of such proceeds which forms the perquisite of the crew of the vessel from which the fish were landed;

(a) 1 & 2 Eliz. 2. c. 17.
(c) 9 & 10 Eliz. 2. c. 18.

(b) 5 & 6 Eliz. 2. c. 22.
(d) 10 & 11 Eliz. 2. c. 31.

“length” in relation to a vessel, means its length as calculated for the purposes of registration under the Merchant Shipping Act 1894(a);

“month” means a calendar month;

“vessel” means a fishing vessel registered in the United Kingdom;

“white fish” means fish of any kind found in the sea, except herring, salmon, migratory trout and shellfish.

(3) The Interpretation Act 1889(b), shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

General Conditions of Grant

2. A grant may be paid in accordance with the following provisions of this scheme to the registered owner (or his agent) or, where there is a charter-party, to the charterer (or his agent), of a vessel, in respect of—

(a) white fish landed from the vessel in the United Kingdom during the period beginning with 1st August 1964 and ending with 31st July 1965 or

(b) voyages made by the vessel during such period for the purpose of catching white fish and landing them in the United Kingdom.

Provided that no grant shall be payable in any case where the fish are landed in the Isle of Man or Channel Islands.

3. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall supply such information and make such returns concerning fishing operations, costs and trading results as may be required by the appropriate Minister, including detailed accounts, for such period and in such form as the appropriate Minister may require, of the financial results of the operation of all such vessels of which he is the owner or charterer, and shall make any relevant books and records open to examination by any person authorised by the appropriate Minister.

4. Application for payment of a grant under this scheme shall be made by the owner or charterer or his duly authorised agent in writing in such form as the appropriate Minister may from time to time require and shall be completed and certified in all respects as so required and shall be delivered to the appropriate Minister at such address as he may at any time specify for the purpose.

5. Application for payment of a grant under this scheme shall be made not later than one month after the landing of the white fish or the completion of the voyage, as the case may be, or such longer period as the appropriate Minister may, in special circumstances, allow.

6. Notice that a person is authorised to make application for and receive payment of grants under this scheme on behalf of an owner or charterer shall be given in writing signed by the owner or charterer in such form as the appropriate Minister may from time to time require and shall be sent to the address specified by the appropriate Minister for the purpose of paragraph 4 of this scheme:

(a) 57 & 58 Vict. c. 60.

(b) 52 & 53 Vict. c. 63.

Provided that not more than one agent for the said purpose at any one port shall be appointed at any one time in respect of any one vessel.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under paragraph 2 of this scheme, if any owner or charterer or any person acting on his behalf makes any false statement or furnishes false information in respect of any of the matters required to be disclosed in connection with an application for payment of grant under this scheme or if any of the conditions relating to the payment of grants under this scheme are not complied with by any owner or charterer or any person acting on his behalf, the payment of grants to that owner or charterer at any time may be refused.

8.—(1) No grant shall be payable in terms of this scheme in respect of a voyage made or of white fish landed in consequence of a voyage by a vessel of 40 feet in length or over where a claim for herring subsidy in respect of the voyage is made under any scheme made pursuant to the White Fish and Herring Industries Act 1957.

(2) For the purpose of determining the grant, if any, which may be paid by virtue of paragraph 2 of this scheme in the case of two or more vessels jointly operating the same gear, the weight of white fish landed from the combined voyage, the proceeds from the sale of such fish and the gross proceeds of such voyage shall be deemed to be divided equally between the vessels concerned whether they are of the same length or of different lengths, and the grant, if any, shall be calculated separately for each vessel in accordance with the rates specified in paragraphs 10 and 14 of this scheme.

(3) Notwithstanding the provisions of paragraphs 10 and 14 of this scheme, if at any time after 1st August, 1963, any structural alteration shall have been made to any vessel which has increased or decreased its length, any grant payable under this scheme shall be paid at the rate appropriate to the length of the vessel before such alteration unless the appropriate Minister is satisfied that the alteration is likely to be conducive to the increased fishing efficiency of the vessel.

9. For the purpose of giving effect to any agreement or arrangement for the remuneration of the officers or crew of a vessel—

(a) in a case where the vessel does not exceed 80 feet in length any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch ;

(b) in the case of any other vessel—

(i) if the remuneration of the officers or crew is calculated wholly or partly by reference to the net earnings of the vessel, any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch ;

(ii) if the remuneration of the officers or crew is calculated wholly or partly by reference to the gross earnings of the vessel, seven-tenths of any grant paid under this scheme shall be deemed to be part of the gross proceeds of the catch.

Conditions relating to payments for voyages

10.—(1) Subject to the provisions of this scheme—

(a) a grant may be paid at the appropriate rate set out in Part I of Schedule 1 to this scheme in respect of each voyage made by a vessel falling within one of the categories specified in the said Part I ;

(b) a grant at a basic rate may be paid at the appropriate rate set out in Part II of Schedule 1 to this scheme in respect of each voyage made by a vessel falling within the category specified in the said Part II ;

(c) a grant at a special rate may be paid at the appropriate rate set out in Part III of Schedule 1 to this scheme in respect of each voyage made during the period beginning with 1st August 1964 and ending with 31st January 1965 by a vessel falling within one of the classes specified in the said Part III.

(2) A grant at a special rate may be paid in respect of a voyage made by a vessel, notwithstanding the fact that a grant at a basic rate may also be payable in respect of the same voyage by that vessel.

11.—(1) Subject to sub-paragraphs (2) (3) and (4) of this paragraph, for the purposes of Schedule 1 to this scheme, in computing the length of a voyage, the day of departure and the day of arrival of the vessel and the day on which the first-hand sale of the catch commences (if that is different from the day of arrival of the vessel) and, if the appropriate Minister is satisfied that the said sale commenced as soon as was reasonably practicable, any day intervening between the day of arrival of the vessel and the day on which the said sale commences may each be reckoned as one day at sea :

Provided that:—

(a) if the day of arrival of the vessel or the day on which the first-hand sale of the catch commences, or any day intervening between them in respect of which the appropriate Minister is satisfied as aforesaid, is also the day of departure of the vessel upon a subsequent voyage whether made for the catching and landing in the United Kingdom of white fish or of herring, then that day shall not be reckoned with the subsequent voyage ;

(b) each period of 24 hours which is spent during a voyage in any port shall be excluded in calculating the number of days at sea in that voyage.

(2) Where reference is made in this scheme to a voyage made within a specified period the reference shall be construed, in the case of a voyage only part of which falls within that period, as a reference to that part.

(3) The calculation made by the appropriate Minister for the purpose of this scheme of the number of days at sea on any voyage and the length of such voyage shall be final.

(4) Where in connection with an application for payment of a grant at a special rate any question arises as to whether a vessel is ordinarily engaged in fishing from a specified port the determination of the appropriate Minister shall be conclusive.

12. No grant shall be payable in terms of this scheme in respect of a voyage if the proceeds from the sale of white fish taken on that voyage amount to less than half the gross proceeds of that voyage.

13. No grant shall be payable in terms of this scheme in respect of a voyage made for the purpose of catching and landing fish of a kind not normally sold for human consumption.

Conditions relating to payments for fish landed

14.—(1) Subject to the provisions of this scheme, a grant may be paid in the case of a vessel under 60 feet in length, not being a vessel falling within any of the categories specified in Part I of Schedule 1 to this scheme, in respect of white fish of legal size landed and sold at first-hand otherwise than by retail, at the appropriate rate set out in Schedule 2 to this scheme.

(2) No grant shall be payable under this paragraph (a) in respect of fish (other than wings of ray and skate, skinned dogfish, and monkfish tails), landed without heads or tails or from which any portion of the head or tail has been removed or (b) in respect of fish which is determined by the appropriate Minister to form part of the perquisite of the crew of the vessel from which the fish were landed.

(3) No grant shall be payable under this paragraph in respect of white fish landed by a vessel of 40 feet in length or over where the voyage on which the fish was caught commences and terminates on one day, that day being also the day of arrival of the vessel from a voyage, or the day of the departure of the vessel upon a voyage, in respect of which a claim for herring subsidy is made under any scheme referred to in sub-paragraph 8(1) of this scheme.

(4) For the purpose of computing the amount of grant payable under this paragraph the weight of the white fish shall be the weight determined at the time of the first-hand sale.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Given under the Seal of the Secretary of State for Scotland on 1st July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

Approved on 2nd July 1964.

M. A. Hamilton,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

Paragraph 10

PART I

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES

Category A. Motor fishing vessels under 60 feet in length as respects which the appropriate Minister is satisfied that, during the period beginning with 1st May 1963 and ending with 30th April 1964 or such other period as he may, in

special circumstances, determine, more than half the number of days spent by the vessel at sea in fishing for white fish was spent on voyages lasting 8 days or more and more than half the number of days spent by the vessel at sea fishing for white fish was spent on voyages made for the purpose of fishing with seine nets, the day of departure and the day of arrival each being reckoned as one day at sea.

	<i>Rate of Grant</i>							<i>Payment per day at sea</i>		
								£ s. d.		
All vessels	6	0	0

Category B. Motor fishing vessels of 60 feet in length or over but under 80 feet in length.

	<i>Rates of Grant</i>							<i>Payment per day at sea</i>		
								£ s. d.		
Vessels of 60 feet in length or over but under 65 feet in length	6	0	0
Vessels of 65 feet in length or over but under 80 feet in length	7	10	0

PART II

CATEGORY OF VESSELS AND BASIC RATES OF GRANT IN RESPECT OF VOYAGES

Category C. Fishing vessels of 80 feet in length or over.

	<i>Rates of Grant</i>							<i>Payment per day at sea</i>		
								£ s. d.		
Vessels of 80 feet in length or over but under 110 feet in length	7	13	0
Vessels of 110 feet in length or over but under 140 feet in length	11	1	0
Vessels of 140 feet in length or over	12	15	0

PART III

CLASSES OF VESSELS AND RATES OF SPECIAL GRANT IN RESPECT OF VOYAGES MADE DURING THE PERIOD BEGINNING WITH 1ST AUGUST 1964 AND ENDING WITH 31ST JANUARY 1965

Class A. Oil-fired steam vessels of 80 feet in length or over.

	<i>Rates of Grant</i>							<i>Payment per day at sea</i>		
								£ s. d.		
Vessels of 160 feet in length or over but under 170 feet in length ordinarily engaged in fishing from Hull and completed after 31st December 1939 but before 1st January 1948	7	0	0
Vessels of 160 feet in length or over but under 180 feet in length ordinarily engaged in fishing from Grimsby and completed after 31st December 1945 but before 1st January 1952	7	0	0

Class B. Motor vessels of 80 feet in length or over.

	<i>Rates of Grant</i>	<i>Payment per day at sea</i>		
		£	s.	d.
Vessels of 80 feet in length or over but under 100 feet in length ordinarily engaged in fishing—				
(a) from Brixham		2	0	0
(b) from Fleetwood		2	10	0
Vessels of 100 feet in length or over but under 110 feet in length ordinarily engaged in fishing—				
(a) from North Shields or Hartlepool		3	10	0
(b) from Milford Haven		8	0	0
(c) from Fleetwood		2	0	0
Vessels of 120 feet in length or over but under 130 feet in length ordinarily engaged in fishing from Milford Haven		8	0	0

SCHEDULE 2**Paragraph 14****RATES OF GRANT IN RESPECT OF WHITE FISH LANDED**

<i>Kind of Fish</i>	<i>Rate of Grant per stone</i>	
	s.	d.
All whole gutted fish (including roes and chitlings), skinned dogfish, wings of ray and skate and monkfish tails ...	1	3
Ungutted bass, dogfish, eels, mackerel, mullet (red and grey) and pilchards	1	3
All other whole ungutted fish, if the appropriate Minister is satisfied that such fish has been sold for human consumption	1	0
All other whole fish of a kind normally sold for human consumption		6

EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

The White Fish and Herring Industries Act 1953 provides that with a view to promoting the landing in the United Kingdom of a continuous and plentiful supply of white fish a scheme may be made for the payment of grants to the owners or charterers of fishing vessels engaged in catching such fish. The Sea Fish Industry Act 1962 provides that in the case of vessels of 80 feet in length or over grants may be paid at basic rates and/or at special rates, the latter being payable only if the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland are satisfied that they are needed by reason of special circumstances.

This scheme succeeds the White Fish Subsidy (United Kingdom) Scheme 1963 (S.I. 1963/1274) and a scheme amending it (S.I. 1964/77). It provides for payment of grants during the period 1st August 1964 to 31st July 1965. These grants are payable on landings of fish by vessels under 60 feet in length and for voyages by fishing vessels of 60 feet in length and over. Both basic and special rates of grant are provided for certain vessels of 80 feet in length and over. The special rates apply for the period 1st August 1964 to 31st January 1965.

1964 No. 1176

SUGAR

**The Sugar (Distribution Repayments) (Revocation)
(No. 2) Order 1964**

<i>Made -</i>	<i>23rd July 1964</i>
<i>Laid before Parliament</i>	<i>30th July 1964</i>
<i>Coming into Operation</i>	<i>31st July 1964</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by sections 15, 16(5) and 33(4) of the Sugar Act 1956(a) (having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b)) and section 22 of the Finance Act 1964(c), and of all other powers enabling him in that behalf hereby makes the following order:—

1.—(1) This order may be cited as the Sugar (Distribution Repayments) (Revocation) (No. 2) Order 1964; and shall come into operation on 31st July 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of article 2 of the Sugar (Distribution Payments and Repayments) (Revocation) Order 1964(e) (hereinafter referred to as the "the principal order"), the orders specified in Part II of the Schedule to the principal order (which relate to distribution repayments and have been revoked by the principal order except as respects sugar and invert sugar in respect of which distribution payment became payable before 27th May 1964) shall cease to have effect as respects—

- (a) any goods other than sugar, invert sugar, caramel, and (when not packed for retail sale) syrups and treacles; and
- (b) any goods shipped as stores or warehoused for use as stores.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

(a) 4 & 5 Eliz. 2. c. 48.
(c) 1964 c. 49.

(b) 10 & 11 Eliz. 2. c. 44.
(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/751 (1964 II, p. 1499).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This order abolishes liability to distribution repayments in respect of—

- (a) most composite sugar products on exportation ; and
- (b) all composite sugar products, sugar and invert sugar when shipped as stores.

The liability of these goods for any distribution repayment was continued notwithstanding the revocation of the relevant orders in Part II of the Schedule to the principal order.

1964 No. 1177

LOCAL GOVERNMENT, ENGLAND AND WALES

LONDON GOVERNMENT

The Local Government (Executive Councils) (Compensation)
Regulations 1964

<i>Made - - - -</i>	23rd July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	10th August 1964

The Minister of Health, as the Minister whom the Treasury have determined to be the appropriate Minister for the purposes of section 60(2) of the Local Government Act 1958(a) in relation to the persons to whom these regulations relate, and as the appropriate Minister for the purposes of section 85(4) of the London Government Act 1963(b) in relation to those persons, in exercise of his powers under those sections, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

PRELIMINARY

Citation and Commencement

1. These regulations may be cited as the Local Government (Executive Councils) (Compensation) Regulations 1964 and shall come into operation on 10th August 1964.

Interpretation

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

“accrued pension” in relation to a pensionable officer who has suffered loss of employment, means the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulation 23(2) of these regulations) prescribed by the pension scheme to which he was subject immediately before suffering loss of employment if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in course of making;

(a) 6 & 7 Eliz. 2. c. 55.

(b) 1963 c. 33.

“accrued retiring allowance” in relation to a pensionable officer who has suffered loss of employment, means any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulation 23(2) of these regulations) prescribed by the pension scheme to which he was subject immediately before suffering loss of employment if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in course of making ;

“accrued incapacity pension” and “accrued incapacity retiring allowance” have the same respective meanings as “accrued pension” and “accrued retiring allowance” except that the reference to a person’s having attained normal retiring age shall be construed as a reference to his having become incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

“the Act of 1958” means the Local Government Act 1958 ;

“the Act of 1933” means the Local Government Act 1933(a) ;

“the Act of 1963” means the London Government Act 1963 ;

“additional contributory payment” has the same meaning as in the National Health Service (Superannuation) Regulations 1961(b) ;

“emoluments” means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime, other than payments which are a usual incident of his employment, or any allowances payable to him to cover the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment ; and

“net emoluments” means—

(a) in relation to an employment which has been lost or in which an officer has suffered a diminution of emoluments, the annual rate of the emoluments of that employment immediately before such loss or diminution, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment, except any periodical sum payable in respect of additional contributory payments ; and

(b) in relation to any other employment, the annual rate of the emoluments of that employment at the time in question, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment :

Provided that where fees were paid to a person as part of his emoluments during any year prior to that immediately preceding the loss or diminution, the amount in respect of fees to be included in the annual rate of emoluments mentioned in sub-paragraph (a) hereof shall be the annual average of the fees paid to him during the period of 3 years immediately preceding the loss or diminution, or such shorter period as may be reasonable in the circumstances ;

(a) 23 & 24 Geo. 5. c. 51.

(b) S.I. 1961/1441 (1961 II, p. 2824).

“long-term compensation” means compensation payable in accordance with the provisions of part IV of these regulations for loss of employment or loss or diminution of emoluments ;

“material date” means in relation to any person who has suffered loss of employment or loss or diminution of emoluments—

(a) where the loss or diminution is attributable to the provisions of any order made under part VI of the Act of 1933 or part II of the Act of 1958, or any instrument made under the Act of 1963—

(i) for the purposes of regulations 3 and 5 of these regulations, the date of the order or instrument to which the loss or diminution was attributable ; and

(ii) for any other purpose of these regulations, the date of operation of such order or instrument or such other date or dates as may be specified therein in relation to that person or to any class of persons including that person ; and

(b) where the loss or diminution is not attributable as aforesaid but is otherwise attributable to the provisions of the Act of 1963—

(i) for the purposes of regulations 3 and 5 of these regulations, 1st September 1964 ; and

(ii) for any other purpose of these regulations, 1st April 1965 ;

“minimum pensionable age” means, in relation to a pensionable officer, the earliest age at which, under the pension scheme associated with the employment he has lost or the emoluments of which have been diminished, he could have become entitled to a pension other than a pension payable in consequence of his incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

“Minister” means the Minister of Health ;

“national service” means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), and includes service immediately following such service as aforesaid, being service in any of Her Majesty’s naval, military or air forces pursuant to a voluntary engagement entered into with the consent of the authority or person under whom an officer held his last relevant employment ;

“normal retiring age” means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any Act or regulations to which he was subject in the employment he has lost or the emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and, in any other case, the age of 65 years if the officer is a male, or 60 years if the officer is a female ;

“office” means any place, situation or employment, and the expression “officer” shall be construed accordingly ;

“payment in respect of added years” in relation to a pensionable officer means any payment made under regulation 32 of the National Health Service (Superannuation) Regulations 1961 ;

“pensionable officer” in relation to an officer who has suffered loss of employment or loss or diminution of emoluments, means an officer who immediately before such loss or diminution was entitled to participate in the benefits of any pension scheme associated with his employment as an officer;

“pension scheme” means a scheme for the payment of superannuation benefits to a person as part of the terms and conditions of any employment held by him;

“reckonable service” in relation to a person means any period of whole-time or part-time employment in any relevant employment and includes any period of war service or national service undertaken on the person’s ceasing to hold any such employment but does not include employment of which account has been taken, or is required to be taken, in calculating the amount of any superannuation benefit to which the person has become entitled;

“relevant employment” means employment—

- (a) under the Crown or in the service of an employing authority within the meaning of the regulations for the time being in force under section 67(1) of the National Health Service Act 1946(a), or
- (b) preceding either of the foregoing employments which was reckonable for the purposes of any pension scheme associated with the employment which has been lost, or
- (c) in such other service as the Minister may, in the case of any named officer, approve;

“resettlement compensation” means compensation payable in accordance with part III of these regulations for loss of employment suffered by a person to whom these regulations apply;

“retirement compensation” means compensation payable in accordance with the provisions of regulation 18, 19, 20 or 21 of these regulations;

“tribunal” means a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor;

“war service” means war service within the meaning of the Local Government Staffs (War Service) Act 1939(b), the Teachers Superannuation (War Service) Act 1939(c), the Police and Firemen (War Service) Act 1939(d) or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940(e) and includes any period of service in the First World War in the armed forces of the Crown or in the forces of the Allied or Associated Powers if such service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) Unless the context otherwise requires, references in these regulations to the provisions of any enactment, rule, regulation, order or scheme shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, rule, regulation, order or scheme.

(3) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 81. (b) 2 & 3 Geo. 6. c. 94. (c) 2 & 3 Geo. 6. c. 95.
 (d) 2 & 3 Geo. 6. c. 103. (e) 3 & 4 Geo. 6. c. 26. (f) 52 & 53 Vict. c. 63.

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the regulations apply

3. These regulations shall apply to any person who—

- (a) is employed immediately before the material date either for the whole or for a part only of his time as an officer of—
 - (i) an executive council or joint committee of executive councils constituted for the purposes of part IV of the National Health Service Act 1946,
 - (ii) an ophthalmic services committee constituted under section 41 of that Act, or
 - (iii) a local medical committee, local pharmaceutical committee, local dental committee or local optical committee recognised by the Minister under section 32 of that Act, or
- (b) would be so employed at that time but for any national service on which he is then engaged.

Grounds of entitlement to compensation

4. Subject to the provisions of these regulations, every person to whom these regulations apply and who suffers loss of employment or loss or diminution of emoluments which is attributable to the provisions of any order under part II of the Act of 1958 or part VI of the Act of 1933 or to any provision of the Act of 1963 or of any instrument made under that Act shall be entitled to have his case considered for the payment of compensation under these regulations and such compensation shall be determined in accordance with the following provisions of these regulations.

National Service

5.—(1) Any person referred to in regulation 3(b) of these regulations who, before the expiry of 2 months after ceasing to be engaged on national service, or if prevented by sickness or other reasonable cause, as soon as practicable thereafter, gives notice to the Minister that he is available for employment, shall be entitled to have his case considered for the payment of compensation on the ground—

- (a) if he is not given or offered re-employment in his former office or in any reasonably comparable office (whether in the administration of the same or a different service), of loss of employment ;
- (b) if he is so re-employed with reduced emoluments as compared with the emoluments which he would have enjoyed had he continued in his former employment, of diminution of emoluments.

(2) The loss of employment which is the ground of a claim for compensation under sub-paragraph (a) of the last foregoing paragraph shall be treated as having occurred on the earlier of the two following dates, that is to say, the date of the refusal of re-employment or a date one month after the date on which the person gave notice that he was available for employment, and the claimant shall be deemed to have been entitled to the emoluments which he would have enjoyed at such earlier date had he continued in his former employment.

PART III

RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT

Resettlement compensation for loss of employment

6.—(1) The Minister shall, subject to the provisions of these regulations—

- (a) consider and determine the entitlement to resettlement compensation of every person to whom this part of these regulations applies who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and
- (b) pay the amount of any compensation so determined.

(2) This part of these regulations applies to a person who at the date of the loss of employment had not attained normal retiring age and who had been for a period of not less than 3 years immediately preceding the material date continuously engaged (exclusive of breaks not exceeding in the aggregate 6 months) for the whole or part of his time in relevant employment, and for this purpose the expression "relevant employment" includes any period of national service immediately following upon such employment.

Conditions for payment of resettlement compensation

7.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to resettlement compensation unless—

- (a) he has suffered loss of employment attributable to any such provision as is mentioned in regulation 4 of these regulations not later than 10 years after the material date ;
- (b) he has made his claim for resettlement compensation in accordance with the provisions for making claims set out in part VII of these regulations not later than 13 weeks after the loss of employment which is the cause of his claim ;
- (c) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform ; and
- (d) he has not, subject to paragraph (3) of this regulation, been offered any reasonably comparable employment under the Crown or otherwise under any body constituted under the National Health Service Act 1946.

(2) In ascertaining for the purposes of this regulation whether a claimant has been offered employment which is reasonably comparable with the employment which he has lost no account shall be taken of the fact that the duties of the employment offered are in relation to the administration of a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

(3) No account shall be taken for the purposes of this regulation of an offer of employment where the Minister is satisfied—

- (a) that acceptance would have involved undue hardship to the claimant, or
- (b) that the claimant was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

Amount of resettlement compensation

8.—(1) Subject to the provision of paragraph (2) of this regulation, resettlement compensation payable to a person to whom this part of these regulations applies shall for each week for which such compensation is payable be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which the claimant has lost and deducting therefrom such of the following items as may be applicable :—

- (a) unemployment, sickness or injury benefit under any Act relating to National Insurance at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of such week ;
- (b) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken in place of the employment which he has lost ;
- (c) any periodical payment to which he is entitled in respect of such week by virtue of any pension scheme to which he was subject in relation to the employment which he has lost.

(2) In determining the amount of resettlement compensation the Minister shall have regard to any payments to which the claimant becomes entitled in consequence of the loss of his employment under any contract or arrangement with the authority by whom he was employed, other than payments by way of a return of contributions under a pension scheme.

(3) For the purposes of this regulation the weekly rate of a claimant's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

Period for payment of resettlement compensation

9. Subject as hereinafter provided, resettlement compensation to a person to whom this part of these regulations applies shall be payable in respect of the period of 13 weeks next succeeding the week in which he lost the employment in respect of which his claim has been made or, in the case of a claimant who has attained the age of 45 years, the said 13 weeks extended by one additional week for every year of his age after attaining the age of 45 years and before the date of the loss of employment subject to a maximum addition of 13 such weeks.

Claimant for resettlement compensation to furnish particulars of employment

10. Every claimant for resettlement compensation shall (after as well as before the compensation begins to be paid)—

- (a) forthwith supply the Minister in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and
- (b) if the Minister so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour.

Additional provisions relating to resettlement compensation

11. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the claimant and the Minister and shall forthwith be terminated by the Minister—

- (a) if without reasonable cause the claimant fails to comply with any of the provisions of regulation 10 of these regulations, or

(b) if, on being requested to do so, he fails to satisfy the Minister that, so far as he is able, he is seeking suitable employment.

PART IV

LONG-TERM COMPENSATION FOR LOSS OF EMPLOYMENT OR LOSS OR DIMINUTION OF EMOLUMENTS

Persons to whom parts IV and V of the regulations apply

12.—(1) The Minister shall, subject to the provisions of these regulations :—

(a) consider and determine the entitlement to long-term and retirement compensation of every person to whom this and the next succeeding part of these regulations apply who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and

(b) pay the amount of any compensation so determined.

(2) This part and part V of these regulations apply to a person who had been for a period of not less than 8 years immediately preceding the material date continuously engaged (without a break of more than 12 months at any one time) for the whole or part of his time in relevant employment (which expression for this purpose includes any period of national service immediately following such employment), and who at the date of the loss of employment or loss or diminution of emoluments had not, save as is provided in regulation 29 of these regulations, attained normal retiring age.

Conditions for payment of long-term and retirement compensation

13.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to long-term or retirement compensation unless :—

(a) he has suffered loss of employment or loss or diminution of emoluments attributable to any such provision as is mentioned in regulation 4 of these regulations not later than 10 years after the material date ;

(b) he has made his claim for compensation in accordance with the provisions for making claims set out in part VII of these regulations not later than 2 years after the loss or diminution which is the cause of the claim ; and

(c) if the cause of the claim for compensation is loss of employment—

(i) his employment was terminated for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform ; and

(ii) he has not been offered any reasonably comparable employment under the Crown or otherwise under any body constituted under the National Health Service Act 1946.

(2) Regulation 7(2) and (3) of these regulations as to offers of employment shall apply for the purposes of this regulation.

(3) Claims for long-term and retirement compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these regulations shall apply to all such claims accordingly.

Factors to be considered in determining payment of long-term and retirement compensation

14.—(1) For the purpose of determining whether long-term or retirement compensation for loss or diminution of emoluments should be paid to a claimant, and if so the amount of the compensation (subject to the limits set out in these regulations) regard shall be had to such of the following factors as may be relevant, that is to say :—

- (a) the conditions upon which the claimant held the employment which he has lost, including in particular its security of tenure, whether by law or by practice ;
- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the claimant in place of the employment he has lost ;
- (c) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him ;
- (d) the amount of any compensation recovered by him under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown, or payable to him otherwise than under these regulations in respect of the loss or diminution, whether by reason of any service agreement or contract or otherwise howsoever ;
- (e) the amount of any benefit to which he is immediately entitled by virtue of any pension scheme associated with the employment which he has lost ; and
- (f) all the other circumstances of his case.

(2) In ascertaining for the purposes of sub-paragraph (c) of the last foregoing paragraph whether a person has been offered suitable employment, regulation 7(3) of these regulations shall apply as it applies for the purposes of that regulation.

Amount of long-term compensation payable to an officer for loss of emoluments

15.—(1) In the case of a person to whom this part of these regulations applies, long-term compensation for loss of emoluments shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2), (3) and (4) of this regulation.

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

- (a) for every year of the claimant's reckonable service, one sixtieth of the net emoluments he has lost ; and
- (b) in the case of a claimant who has attained the age of 40 years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) of this regulation appropriate to his age at that date :

Provided that the said maximum annual sum shall in no case exceed two thirds of the net emoluments which the claimant has lost.

(3) The sum referred to in sub-paragraph (b) of the last foregoing paragraph shall be—

(a) in the case of a claimant who has attained the age of 40 years but has not attained the age of 50 years at the date of the loss, the following fraction of the net emoluments he has lost—

(i) where the claimant's reckonable service is less than 10 years, one sixtieth for each year of such service after attaining the age of 40 years, or

(ii) where the claimant's reckonable service amounts to 10 years but is less than 15 years, one sixtieth for each year of such service after attaining the age of 40 years and one additional sixtieth ; or

(iii) where the claimant's reckonable service amounts to 15 years but is less than 20 years, one sixtieth for each year of such service after attaining the age of 40 years and 2 additional sixtieths ; or

(iv) where the claimant's reckonable service amounts to 20 years or more, one sixtieth for each year of such service after attaining the age of 40 years and 3 additional sixtieths ;

but the sum so calculated shall not in any case exceed one sixth of the said net emoluments ;

(b) in the case of a claimant who has attained the age of 50 years but has not attained the age of 60 years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of 40 years, up to a maximum of 15 such years ; and

(c) in the case of a claimant who has attained the age of 60 years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of 45 years.

(4) Where a person has become entitled to a superannuation benefit by way of annual amounts under a pension scheme associated with the employment which he has lost, the maximum annual sum referred to in paragraph (1) of this regulation shall be the maximum sum calculated under paragraph (2) of this regulation as if the superannuation benefit had not been payable, less the amount of the benefit itself.

(5) Where a sum is payable under this regulation in respect of any period and resettlement compensation has also been paid in respect of that period, the said sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(6) Compensation awarded under this regulation shall be payable at intervals equivalent to those at which the emoluments of his employment were previously paid or at such intervals as may be agreed between the claimant and the Minister.

Long-term compensation for diminution of emoluments

16. In the case of a person to whom this part of these regulations applies long-term compensation for diminution of emoluments in respect of any employment shall be awarded and paid in accordance with the following provisions—

(a) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's employment are or were previously paid or at such other intervals as may be agreed between the claimant and the Minister, and shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs ; and

(b) the said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under regulation 15 of these regulations had the claim been made under that regulation, the same ratio as the amount by which his net emoluments have been diminished (calculated as an annual amount) bears to the amount of his net emoluments:

Provided that no compensation shall be payable if this ratio is less than $2\frac{1}{2}$ per cent.

Date from which long-term compensation is to be payable

17.—(1) Long-term compensation shall commence to be payable with effect from the date of the claim or from such earlier date as is mentioned in the succeeding provisions of this regulation.

(2) Where a claim for long-term compensation is duly made within 13 weeks of the occurrence of the loss or diminution which is the subject of the claim, the award shall be made retrospective to the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in the last foregoing paragraph, the award may at the discretion of the Minister be made retrospective to a date not earlier than 13 weeks prior to the date on which the claim was made:

Provided that if the Minister is satisfied that the failure to make the claim within the period mentioned in the last foregoing paragraph was due to ill-health or other circumstances beyond the claimant's control, the award may be made retrospective to a date not earlier than that on which the loss or diminution occurred.

PART V

RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age

18.—(1) Where a pensionable officer to whom this part of these regulations applies, before attaining what would have been his normal retiring age—

(a) becomes incapacitated in circumstances in which if he had continued in the employment he has lost he would have become entitled to a pension under the pension scheme to which he was subject in that employment; or

(b) attains the age which, had he continued to serve in the employment he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim in lieu of any compensation to which he would otherwise be entitled under these regulations—

(i) in the case mentioned in sub-paragraph (a) of this paragraph, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any); and

(ii) in the case mentioned in sub-paragraph (b) of this paragraph, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

(i) if in calculating the amount of compensation payable to a person who has made such claim as aforesaid, the Minister, by virtue of

regulation 23(2) of these regulations, has credited him with additional years of service or an additional period of contribution no account shall be taken for the purpose of the foregoing provision of any additional years or period beyond the number of years which he could have served, had he not lost his employment, before the date on which the claim was received by the Minister ; and

- (ii) if by reason of any provision of the relevant pension scheme for a minimum benefit the amount of any such pension or retiring allowance is in excess of that attributable to the claimant's actual service, no account shall be taken for the purpose of the foregoing provision of any such additional years or period except to the extent (if any) by which they exceed the number of years represented by the difference between the claimant's actual service and the period by reference to which the minimum benefit has been calculated ; and
- (iii) if the number of years by reference to which an accrued incapacity pension is to be calculated is less than any minimum number of years of qualifying service prescribed by the relevant pension scheme, the amount of such pension shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed such proportion of such minimum benefit as the number of years of pensionable service bears to the minimum number of years of qualifying service.

(2) On receipt of a claim under the last preceding paragraph, the Minister shall consider forthwith whether the claimant is a person to whom that paragraph applies, and within 3 months after the date of the receipt of the claim the Minister—

- (a) if satisfied that he is not such a person, shall notify him in writing accordingly ; and
- (b) if satisfied that he is such a person, shall assess the amount of compensation payable to the person, and notify him in writing accordingly, and any such notification shall, for the purposes of these regulations, be deemed to be a notification by the Minister of a decision on a claim to compensation.

(3) If a claimant wishes to receive compensation under this regulation, he shall so inform the Minister in writing within one month from the receipt of a notification under the last preceding paragraph or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon ; and the compensation shall be payable as from the date on which the Minister received the claim.

(4) The Minister may require any such person as is mentioned in paragraph (1)(a) of this regulation, who makes a claim under that paragraph, to submit himself to a medical examination by a registered medical practitioner selected by the Minister and, if he does so, shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the Minister shall take that report into consideration, together with the report of the medical practitioner selected by him.

Option to take retirement compensation prematurely in certain cases

19.—(1) If a pensionable officer to whom this part of these regulations applies has suffered loss of employment after attaining the age of 50 years and so requests the Minister by notice in writing, he shall be entitled as from the date on which the Minister receives such notice, in lieu of any compensation, other than resettlement compensation, to which he would

otherwise be entitled under these regulations, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

- (i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid no account shall be taken of any additional years of service or period of contribution credited to the person under regulation 23(2) of these regulations, and
- (ii) where the officer has claimed long-term compensation, the said notice shall be given not later than 2 years after the determination of the claim.

(2) Regulation 18(2) of these regulations shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that regulation.

(3) Where an annual sum is payable under this regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation payable as aforesaid.

Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age

20.—(1) Subject as hereinafter provided, when a pensionable officer to whom this part of these regulations applies reaches normal retiring age, the retirement compensation payable to him for loss of emoluments shall be—

- (a) an annual sum equal to the amount of his accrued pension ; and
- (b) a lump sum equal to the amount of his accrued retiring allowance (if any).

(2) Compensation shall not be payable under this regulation to a claimant to whom regulation 18 or 19 of these regulations has been applied.

Retirement compensation for diminution of emoluments

21. The provisions of regulations 18 and 20 of these regulations shall apply to a pensionable officer to whom this part of these regulations applies and who has suffered a diminution of his emoluments, but the sums payable to such an officer in the circumstances mentioned in those regulations shall be sums which bear to the sums which would have been payable thereunder had the claim been in respect of loss of employment the same ratio as the amount by which the claimant's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no compensation shall be payable if this ratio is less than 2½ per cent.

Retirement compensation of claimant who obtains further pensionable employment

22. Where a pensionable officer, after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which fall to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, no retirement compensation shall be payable unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate on entry of the emoluments of the new employment by more than 2½ per cent. of such

first mentioned emoluments, and any retirement compensation payable to him shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates:

Provided that this regulation shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the officer had attained normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

Factors governing the payment of retirement compensation

23.—(1) An officer entitled to retirement compensation under regulation 18, 19 or 20 of these regulations shall pay to the Minister an amount equal to any sum which was paid to him by way of return of superannuation contributions, whether with or without interest, after ceasing to be employed and the Minister may at the request of the officer repay that amount to him at any time before he becomes entitled as aforesaid, but if that amount is not paid to the Minister, or is repaid by him to the officer, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said superannuation contributions.

(2) If the claimant had attained the age of 40 years at the date on which he lost his employment or suffered a diminution of his emoluments, the Minister in calculating the amount of the retirement compensation payable to him shall credit him with additional years of service or an additional period of contribution on the following basis, namely—

(a) 2 years, whether or not the claimant has completed any years of service after attaining the age of 40 years, and

(b) 2 years for each of the first 4 completed years of the claimant's reckonable service between the date when he attained the age of 40 years and the date of the loss or diminution, and

(c) one year for each such year of service after the fourth,

but the additional years of service or period of contribution so credited shall not exceed the shortest of the following periods, namely—

(i) such number of years as, when added to his pensionable service, would amount to the maximum period of such service which would have been reckonable by him had he continued in his employment until attaining normal retiring age, or

(ii) the number of years of the claimant's reckonable service, or

(iii) 15 years ;

and in calculating the amount of any retirement compensation payable to the claimant any period so added shall be aggregated with any years of service or period of contribution entailing reduction of the relevant pension or retiring allowance in connection with the passing of the National Insurance Act 1946(a).

(3) When retirement compensation is awarded or when an award is reviewed under regulation 35 of these regulations the additional compensation payable in consequence of any years of service or period of contribution credited to a claimant under the last foregoing paragraph may be reduced or withheld as the Minister may think reasonable having regard to the pension scheme (if any) attaching to any further employment obtained by the claimant.

(4) If under the pension scheme to which the claimant was last subject before suffering loss of employment or diminution of emoluments the amount of any benefit to which he might have become entitled might have been increased at the discretion of the authority administering the pension scheme or of any other body, the Minister may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any retirement compensation payable to him.

(5) If under the pension scheme to which he was last subject before suffering loss of employment or diminution of emoluments, the claimant would have been entitled to surrender a part of any pension which might have become payable to him in favour of his spouse or any dependant, then, if he so desires and informs the Minister by notice in writing accordingly within one month after becoming entitled to retirement compensation under these regulations, he may surrender a part of so much of the said compensation as is payable by way of an annual sum on the like terms and conditions and in consideration of the like payments by the Minister as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

(6) In calculating for the purposes of regulation 18, 19 or 20 of these regulations the amount of the annual sum which is equal to a claimant's accrued pension no account shall be taken of any reduction falling to be made in that pension in connection with the passing of the National Insurance Act 1946 or the National Insurance Act 1959(a) until the claimant reaches the age at which under the pension scheme to which he was subject before losing his employment the pension would have been so reduced.

(7) In paragraph (2) of this regulation the expression "reckonable service" includes any period of employment of which account has been taken or is required to be taken in calculating the amount of any superannuation benefit to which a claimant has become entitled.

Compensation payable on the death of a claimant

24.—(1) Payments in accordance with this and the next two succeeding regulations shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of an officer to whom this part of these regulations applies.

(2) If the widow, child or other dependant of the officer might have become entitled to a pension under the pension scheme to which the officer was last subject before losing his employment if such loss of employment had not occurred, the widow, child or other dependant, as the case may be, shall be entitled to receive an annual sum equal to the prescribed proportion of any retirement compensation by way of annual amounts payable to the officer under regulation 18, 19 or 20 of these regulations immediately prior to his death or, if he dies before becoming entitled to receive compensation under any of those regulations, the prescribed proportion of the compensation by way of annual amounts which he would have received under regulation 18 of these regulations had he become entitled thereto immediately prior to his death in the circumstances mentioned in paragraph (1)(a) of that regulation:

(a) 7 & 8 Eliz. 2. c. 47.

Provided that—

- (i) where any retirement compensation has been surrendered or compounded under regulation 23(5) or regulation 36 of these regulations, any sum payable under this regulation shall be calculated as if such surrender or compounding had not taken place ;
- (ii) where the pension scheme provides for payment of the pension to any person on behalf of the child or other dependant, any annual sum payable as aforesaid to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the pension scheme ;
- (iii) in calculating the sum payable as aforesaid, it shall be assumed that the retirement compensation payable, or which would have been payable, to an officer under regulation 18, 19 or 20 of these regulations had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced in connection with the passing of the National Insurance Act 1946 or the National Insurance Act 1959.

(3) Any annual sum payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable in any circumstances in which a corresponding pension under the said pension scheme would have ceased to be payable.

(4) Except where any compensation payable to the officer concerned has been reduced under regulation 23(1) of these regulations, compensation payable under this and the next following regulation shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions returned to the officer and either not paid to the Minister or repaid by the Minister to the officer, the compensation under each such regulation being reduced in proportion to the capital value of each amount.

(5) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the annual sum payable to a widow, child or other dependant of such an officer shall be a sum which bears to the sum which would have been payable under paragraph (2) of this regulation had the claim been in respect of loss of employment, the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments :

Provided that no sum shall be payable under this paragraph if this ratio is less than $2\frac{1}{2}$ per cent.

(6) In this regulation "prescribed proportion" means the proportion which, under the pension scheme to which the officer was subject immediately prior to the loss of employment or diminution of emoluments, the pension payable to a widow, child or other dependant, as the case may be, bears to an officer's pension.

25.—(1) If the personal representatives of the officer might have become entitled to a death gratuity under the pension scheme to which the officer was last subject before losing his employment had such loss not occurred, they shall be entitled to receive a sum calculated in accordance with the provisions of the next succeeding paragraph, and paragraph (4) of the last preceding regulation.

(2) The amount of such sum shall be ascertained in accordance with the method of calculation prescribed by the pension scheme for the ascertain-

ment of death gratuity as if the officer had died immediately before losing his employment, subject to the following modifications—

(a) except where the officer had been in receipt of retirement compensation under regulation 19 of these regulations, account shall be taken of any additional years of service or period of contribution credited to the officer under regulation 23(2) of these regulations—

(i) in the case of an officer who had been in receipt of retirement compensation under regulation 18 of these regulations, to the extent of the period between the loss of employment and the date of the claim made under that regulation, and

(ii) in any other case, to the extent of the period between the loss of employment and the officer's death ;

(b) if the number of years of the officer's service or period of contribution is less than the minimum number of years of qualifying service or period prescribed by the pension scheme for the receipt of a death gratuity, the said sum shall not exceed such proportion of the death gratuity calculated as aforesaid as the number of years of the claimant's pensionable service or period of contribution bears to the minimum number of years of qualifying service or period required by the pension scheme ; and

(c) there shall be deducted from such sum the amount of any retirement compensation paid to the officer under regulation 18, 19 or 20 of these regulations, or where any part of the compensation has been surrendered under regulation 23(5) of these regulations, the amount which would have been so paid but for any such surrender.

(3) For the purpose of calculating such death gratuity an annual sum payable to or for the benefit of a widow, child or other dependant under the last preceding regulation shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

(4) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the sum payable to the personal representatives of such an officer shall be a sum which bears to the sum which would have been payable under paragraph (1) of this regulation had the claim been in respect of loss of employment the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments :

Provided that no sum shall be payable to personal representatives under this paragraph if this ratio is less than $2\frac{1}{2}$ per cent.

26.—(1) If no annual sum is payable to the widow, child or other dependant under regulation 24 of these regulations and no sum is payable under the last preceding regulation and the officer dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under regulation 23(1) of these regulations, together with compound interest thereon up to the date of his death calculated in accordance with the method prescribed by the pension scheme for the calculation of interest, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If an annual sum becomes payable to a widow under regulation 24 of these regulations and on her re-marriage or death the sum ceases to be payable, and the aggregate amount of the payments which were made to her as aforesaid, to her husband by way of retirement compensation and to his personal representatives under regulation 25 of these regulations is less than a sum equivalent to the amount which would have been payable to the personal representatives under that regulation if no annual sum had been payable to the widow under the said regulation 24, there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purposes of this regulation an officer who has surrendered any part of his retirement compensation under regulation 23(5) of these regulations shall be deemed to have received during any period the amount of compensation for that period which he would have received but for any such surrender.

Deduction of outstanding additional contributory payments

27. There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment; and any such payments not recovered at the date of his death shall be deducted from any compensation payable in respect of the person under regulation 24, 25 or 26 of these regulations.

Calculation of compensation where superannuation benefit is payable

28. Where an officer to whom this part of these regulations applies, or his widow, child or other dependant has become entitled to any superannuation benefit under a pension scheme associated with the employment which the officer has lost, the retirement compensation payable to the officer, or the compensation payable in respect of the officer under regulations 24, 25 and 26 of these regulations shall be calculated in the first place as if the said superannuation benefit had not been payable but—

- (a) compensation by way of annual amounts shall be reduced by the annual amount of any such superannuation benefit as is payable periodically, and
- (b) compensation payable as a lump sum shall be reduced by the amount of any such superannuation benefit payable as a lump sum.

Compensation payable to non-pensionable officer on attainment of normal retiring age

29.—(1) In the case of an officer receiving long-term compensation for loss of employment who is not a pensionable officer, when the officer attains normal retiring age, the Minister may, if he is satisfied that the officer would but for the loss have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) In the case of an officer who is not a pensionable officer and who suffers loss of employment on or after attaining normal retiring age, the Minister may, if satisfied that the officer would in the normal course have continued in the employment he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under regulation 15 of these regulations had he not attained normal retiring age at the date on which he lost his employment.

Persons subject to policy schemes

30.—(1) The provisions of regulations 18, 19, 20, 21 and 25 of these regulations shall not apply to a person who had been participating in a scheme associated with his employment for providing superannuation benefits by means of contracts or policies of insurance, and who, after the loss of his employment or the diminution of his emoluments, continued to participate in that scheme, or became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has lost his employment, the Minister may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as are actuarially equivalent to the amounts by which his retirement compensation might have been increased under regulation 23(2) or (4) of these regulations had he been a person to whom regulation 18, 19 or 20 of these regulations applied.

(3) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has suffered a diminution of his emoluments, the Minister may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as will secure to the claimant the like benefits as if his emoluments had not been diminished.

(4) If the claimant is such a person as aforesaid and he becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) of this regulation before reaching normal retiring age, the Minister may reduce any long-term compensation payable to him under part IV of these regulations by the amount of such benefit.

Intervals for payment of compensation under part V

31. Retirement compensation and other compensation awarded as annual sums under this part of these regulations shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the pension scheme to which the claimant was subject prior to the loss of employment or diminution of emoluments or at such other intervals as may be agreed between the recipient and the Minister.

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Adjustment of compensation where superannuation benefit is also payable

32.—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under part IV or V of these regulations is also taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of the officer in accordance with a pension scheme associated with an employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the Minister may adjust the compensation in accordance with this regulation by withholding or reducing the amount of compensation payable in respect of any period for which such superannuation benefit is being received.

(2) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service mentioned in paragraph (1) of this regulation equals or exceeds the part of any compensation by way of annual amounts which is attributable to the same period, that part of the

compensation may be withheld, but if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(3) In the case of a death gratuity payable to the personal representatives of the officer, the sum payable to the personal representatives under regulation 25 of these regulations may be reduced by an amount not greater than the proportion of the death gratuity which the period of service mentioned in paragraph (1) of this regulation bears to the total period of service of which account was taken in the calculation of the death gratuity.

(4) In addition to any reduction authorised by paragraph (2) or (3) of this regulation, if, in the circumstances mentioned in paragraph (1) of this regulation, compensation by way of annual amounts is attributable in part to any provision of the relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(5) Where any additional years of service or period of contribution have been credited to a claimant under regulation 23(2) of these regulations, if the number of such years or such period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1) of this regulation, the compensation by way of annual amounts may be reduced (in addition to any other reduction authorised by this regulation) by an amount not exceeding that attributable to the additional years or period so credited, or if the number of such years or such period is greater than the period spent in the subsequent employment, by such proportion of that amount as the period spent in the subsequent employment bears to the number of additional years or the period so credited.

(6) Where compensation has been calculated in accordance with regulation 22 of these regulations, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled on entering the new employment referred to in the said regulation 22.

(7) Where compensation is payable in respect of diminution of emoluments, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled immediately prior to the diminution.

Reduction of compensation in certain cases

33. If under the pension scheme to which a person was subject before losing his employment or suffering a diminution of emoluments any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which the person is entitled for loss of employment or diminution of emoluments shall, where such employment is taken up, be reduced or suspended in the like manner and to the like extent.

34. Where—

- (a) a pensionable officer enters any employment referred to in regulation 22 of these regulations, or
- (b) a person entitled to long-term compensation enters employment the remuneration whereof is payable out of public funds, or
- (c) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction or suspension under regulation 33 of these regulations,

he shall forthwith give notice in writing to the Minister that he is so employed and, in the case of any employment mentioned in paragraph (b) or (c) of this regulation, he shall give the like notice of any increase in his remuneration in that employment and of his ceasing to hold that employment.

Review of award of long-term or retirement compensation

35.—(1) The Minister shall, within a period of 2 years after the date on which any decision on a claim for long-term or retirement compensation for loss of employment (other than compensation payable under regulation 19 of these regulations) is notified to a claimant under regulation 37 of these regulations, review his decision or, where the claim has been the subject of an appeal, the decision of the tribunal at intervals of not more than 6 months, and these regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these regulations.

(2) The claimant may require the Minister to carry out the review mentioned in the last foregoing paragraph at any time within the period of 2 years mentioned in that paragraph if the claimant considers that there has been a change in the circumstances of his case which is material for the purposes of these regulations.

(3) The Minister shall carry out a review in accordance with paragraph (1) of this regulation, notwithstanding the expiration of the period mentioned in that paragraph if—

- (a) the emoluments of employment or work undertaken in place of the employment which has been lost had been taken into account in determining the amount of any compensation awarded, and
- (b) such employment or work has been lost or the emoluments thereof reduced, otherwise than by reason of misconduct or incapacity to perform such duties as he might reasonably have been required to perform, and
- (c) the Minister is satisfied that such loss or reduction is causing hardship to the claimant,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) of this regulation as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) of this regulation shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in relation to any decision mentioned in the said paragraph (1):

Provided that—

- (i) no review shall take place after the date on which the claimant ceases to hold the employment in which his emoluments were diminished, except a review as at that date; and
- (ii) while the claimant continues to hold that employment there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this regulation, the Minister shall review a decision (whether given by him or the tribunal) on a claim for long-term compensation for loss of employment or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—

- (a) the claimant is engaged in employment (hereinafter referred to as his "current employment") the remuneration whereof is payable out of public funds and which he has undertaken in place of the employment he has lost or, as the case may be, the employment in which his emoluments were diminished, and
- (b) the aggregate of the net emoluments of his current employment and the long-term compensation payable to him exceed the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution,

and the Minister shall thereafter further review such decision whenever the net emoluments of the claimant's current employment are increased; but if on any such review the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the claimant's current employment fall short of the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution.

(6) The Minister shall give to a claimant not less than 14 days notice of any review to be carried out under this regulation otherwise than at the claimant's request.

(7) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 32 or 33 of these regulations.

Compounding of awards

36.—(1) In a case where an annual sum which has been or might be awarded under these regulations does not exceed £26, the Minister may, at his discretion, compound his liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum, and if any lump sum payment has been or might be awarded in addition to such annual sum under regulation 18, 19, 20 or 21 of these regulations, the Minister may likewise discharge his liability in respect thereof by an immediate payment.

(2) In any other case the Minister may, if the person who has been awarded long-term or retirement compensation requests him to do so and he, in his discretion, after having regard to the state of health of that person and the other circumstances of the case, deems fit, compound up to one quarter of his liability to make payments under the award (other than payments to a widow, child or other dependant under regulation 24 of these regulations) by the payment of an equivalent amount as a lump sum or, where any compensation has been awarded as a lump sum, by increasing that compensation to such equivalent amount; and in calculating for this purpose the liability of the Minister to make payments, account shall be taken of the annual value of lump sum payments of compensation.

(3) The making of a composition under paragraph (2) of this regulation in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) of this regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.

PART VII

PROCEDURE AND MISCELLANEOUS

Procedure on making claims

37.—(1) Every claim for compensation under these regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with the provisions of this regulation.

(2) Every such claim and request shall be made to the Minister in a form approved by him.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these regulations.

(4) The Minister shall consider any such claim or request in accordance with the relevant provisions of these regulations and shall notify the claimant in writing of his decision—

- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and
- (b) in the case of a claim for, or request for the review of an award of, compensation under part IV or V of these regulations, not later than 13 weeks after the receipt of the claim or request, and
- (c) in any other case, as soon as may be after the decision.

(5) Every notification of a decision by the Minister (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these regulations) shall contain a statement—

- (a) giving reasons for the decision ;
- (b) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these regulations, showing the factors taken into account in awarding that amount ; and
- (c) directing the attention of the claimant to his right, if he is aggrieved by the decision, to refer the matter to the tribunal, and giving him the address of the office to which the reference should be sent.

Claimants to furnish information

38.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the Minister or the tribunal may at any time reasonably require ; and shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the Minister or the tribunal may reasonably require.

(3) Any person who attends for interview as aforesaid may, if he so desires, be represented by his adviser.

Procedure on death of claimant

39.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, the claim for compensation under these regulations may be continued or made (as the case may be) by his personal representative.

(2) Where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim, be deemed for the purposes of these regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these regulations to be the claimant, and the relevant provisions of these regulations shall be construed accordingly:

Provided that the Minister may in any such case extend the period within which a claim is required to be made by regulation 7 or 13 of these regulations.

Calculation of service

40.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any 2 or more offices to which in the aggregate, an officer devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these regulations in respect of the reckonable service of an officer all periods of such service shall be aggregated, and if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds 6 months, be treated as a year, and in any other case be disregarded.

Emoluments of part-time employments

41. In ascertaining for the purposes of these regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of 2 or more part-time employments, the remuneration of the alternative employment or of the aggregate of 2 or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

Compensation not assignable

42. Subject to any statutory provision in that behalf, any compensation to which an officer becomes entitled under these regulations shall be paid by the Minister and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

Right of appeal from decision of the Minister

43.—(1) Every claimant who is aggrieved by any decision of the Minister with respect to compensation under these regulations or by any failure on the part of the Minister to notify him of any such decision within the appropriate time prescribed by these regulations may within 3 months of the notification to him of the decision or the expiry of the prescribed time, as the case may be, refer the matter to the tribunal.

(2) Reference of a matter to the tribunal as aforesaid by a claimant shall be made in writing.

(3) On receipt of such a reference, the tribunal shall consider and determine the matter in accordance with the provisions of these regulations and the Minister shall give effect to the decision of the tribunal with any modifications that may be required in consequence of any appeal from the decision on a point of law.

(4) On any such reference the tribunal may, if it thinks fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with the tribunal as an assessor.

Given under the official seal of the Minister of Health on 23rd July 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

1. These regulations, made under section 60(2) of the Local Government Act 1958 and section 85(4) of the London Government Act 1963, provide for the payment of compensation to or in respect of employees of executive councils and certain other bodies constituted under the National Health Service Act 1946 who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government in England and Wales brought about by either—

- (a) an order under part II of the Local Government Act 1958 ;
- (b) the London Government Act 1963 or any instrument made under that Act ; or
- (c) an order under part VI of the Local Government Act 1933.

2. Part I of the regulations contains definitions. Part II specifies the persons to whom the regulations apply and the grounds of entitlement to compensation. The regulations apply to persons employed whole-time or part-time by executive councils or joint committees of such councils, by ophthalmic services committees, or by local medical committees, local dental committees, local pharmaceutical committees or local optical committees.

3. The compensation is payable by the Minister of Health and is—

- (a) resettlement compensation for loss of employment (part III of the regulations) ;
- (b) long-term compensation for loss of employment or loss or diminution of emoluments (part IV) ;
- (c) retirement compensation for loss of employment or loss or diminution of emoluments (part V) ;
- (d) compensation to the widow, child or other dependant and personal representative of a claimant who was a pensionable officer (part V).

4. Resettlement compensation is payable for a period not exceeding 26 weeks to officers with at least 3 years' service in the National Health Service and other relevant employments. The qualifying conditions and factors to be considered are set out in regulations 7, 9, 10 and 11. The method of calculating the amount of compensation is contained in regulation 8.

5. Long-term and retirement compensation are payable to officers with at least 8 years' service in the National Health Service and other relevant employments. The qualifying and other conditions are set out in regulations 12 to 14.

6. The method of calculating the maximum amount of long-term compensation is laid down in regulations 15 (loss of employment) and 16 (diminution of emoluments). It is a proportion, not exceeding two thirds, of the net emoluments lost or of the amount by which emoluments have been diminished, as the case may be. This compensation is payable from a date determined under regulation 17 and can be payable up to normal retiring age.

7. Retirement compensation for loss of employment payable to a pensionable officer is based upon his accrued pension rights (regulation 20) supplemented in the case of persons aged 40 or over at the date of loss by the addition of notional years of service (regulation 23). Retirement compensation for diminution of emoluments is an appropriate proportion of that for loss of employment (regulation 21). In the case of a non-pensionable officer compensation not exceeding one half of the rate of long-term compensation may be paid (regulation 29) and special provision is made for any persons whose pension arrangements are by way of policies of insurance (regulation 30). Retirement compensation is ordinarily payable from normal retiring age but in certain circumstances may be put into payment earlier (regulations 18 and 19).

8. Compensation is payable to the widow, child or other dependant and the personal representative of a claimant who dies, where such persons would have benefited under the relevant pension scheme (regulations 24 to 26).

9. Part VI of the regulations provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changes in circumstances (regulation 35). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

10. Part VII contains provisions relating to the procedure for making claims and notifying decisions and to appeals by claimants who are aggrieved by a decision or the failure of the Minister of Health to notify them of his decision. Appeals lie to a tribunal appointed by the Minister of Labour.

1964 No. 1178

ROAD TRAFFIC

The Road Vehicles (Registration and Licensing)
Regulations 1964

Made - - - - 23rd July 1964
Laid before Parliament 6th August 1964
Coming into Operation 1st September 1964

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The Minister of Transport in exercise of his powers under sections 6, 8, 12, 13, 14, 16 (as amended by section 46 of the Road Traffic Act 1962(a)), 23 and 24 of, and paragraph 2 of Schedule 2 to, the Vehicles (Excise) Act 1962(b) and under section 11 of the Finance Act 1964(c), and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

PART I—PRELIMINARY

Commencement and citation

1. These Regulations shall come into operation on 1st September 1964, and may be cited as the Road Vehicles (Registration and Licensing) Regulations 1964.

Revocation, savings and transitional provisions

2. The Regulations specified in Schedule 1 to these Regulations are hereby revoked but—

- (a) in so far as any application or declaration made, particulars furnished, notification given, licence, certificate, registration or limited trade licence book or other document or trade plate issued, record kept, registration mark assigned or other thing done under the said Regulations could have been made, furnished, given, issued, kept, assigned or done under a corresponding provision of these Regulations, it shall not be

(a) 10 & 11 Eliz. 2. c. 59.

(b) 10 & 11 Eliz. 2. c. 13.

(c) 1964 c. 49.

invalidated by the said revocation, but shall have effect as if made, furnished, given, issued, kept, assigned or done under that corresponding provision ;

- (b) any reference in such application, declaration, particulars, notification, certificate, registration or limited trade licence book or other document to any provision of the Regulations revoked by these Regulations, whether specifically or by means of a general description, shall, unless the context otherwise requires, be construed as a reference to a corresponding provision of these Regulations.

Interpretation

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

“ the Act ” means the Vehicles (Excise) Act 1962 ;

“ bicycle ” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a trailer or sidecar) not exceeding 8 hundredweight in weight unladen ;

“ council ” means the council of a county and “ county ” has the meaning assigned to it by section 24 of the Act ;

“ hours of darkness ” means the time between half-an-hour after sunset and half-an-hour before sunrise ;

“ invalid vehicle ” means a mechanically propelled vehicle (including a cycle with an attachment for propelling it by mechanical power) which does not exceed 6 hundredweight in weight unladen and is adapted and used or kept on a road for an invalid or invalids ;

“ limited trade licence book ” has the meaning assigned thereto in Regulation 34 of these Regulations ;

“ local taxation officer ” means any officer of a council to whom any of the powers and duties of the council in relation to the levying of duties on licences for mechanically propelled vehicles have been delegated ;

“ Minister ” means the Minister of Transport ;

“ owner ” in relation to a vehicle means the person by whom the vehicle is kept and used and the expression “ ownership ” shall be construed accordingly ;

“ pedestrian controlled vehicle ” means a mechanically propelled vehicle with three or more wheels which does not exceed 8 hundredweight in weight unladen and which is neither constructed nor adapted for use nor used for the carriage of a driver or passenger ;

“ prescribed ” means, in relation to any declaration or particulars, prescribed by the Road Vehicles (Excise) (Prescribed Particulars) Regulations 1957(a) ;

“ register ” has the meaning assigned thereto in Regulation 10 of these Regulations ;

“ road ” has the meaning assigned thereto in section 257 of the Road Traffic Act 1960 ;

“ trade licence ”, “ general trade licence ” and “ limited trade licence ” have the meanings assigned to them by section 12 of the Act ;

(a) S.I. 1957/702 (1957 II, p. 2128).

“trade plates” has the meaning assigned thereto in Regulation 34 of these Regulations ;

“tricycle” means a mechanically propelled tricycle (including a motor scooter and a tricycle with an attachment for propelling it by mechanical power) not exceeding 8 hundredweight in weight unladen and not being a pedestrian controlled vehicle ;

“works truck” means a mechanically propelled vehicle designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

PART II—LICENSING AND REGISTRATION

Application for licences

4. A person who keeps a mechanically propelled vehicle and who desires to obtain a licence for it under the Act may apply for it to :—

- (a) the council with which the vehicle is registered ;
- (b) where he has not previously obtained, or had delivered to him in accordance with Regulation 15(1) of these Regulations, a licence in respect of the vehicle, the council in whose area the vehicle will ordinarily be kept or is at the time of the application :

Provided that where the keeper of a mechanically propelled vehicle satisfies the council of the area in which he declares a place of his business to be situated that the vehicle is not ordinarily kept in any one area, application for a licence for the vehicle may be made to that council ; or

- (c) where a licence has previously been issued in respect of the vehicle, any post office authorised for that purpose by the Postmaster General within the area of the council with which the vehicle is registered, if the following conditions are satisfied :—
 - (i) the application is made not more than 14 days before and not more than 14 days after the expiry of the last licence previously issued in respect of the vehicle, and the application is for a licence of the same duration as such last licence ;
 - (ii) such last licence is delivered up to the post office with the application ;
 - (iii) a current certificate of insurance issued in accordance with the Motor Vehicles (Third Party Risks) Regulations 1961(b) in relation to the vehicle is produced ;

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1961/1465 (1961 II, p. 2967).

- (iv) if there has been a change of ownership or address since the date on which such last licence was issued, the appropriate council have made such a record in the registration book as is required by Regulation 16 or 17 (as the case may be) of these Regulations ;
- (v) no alteration has been made to the vehicle since that date and there has been no change in the use thereof so as in either case to bring the vehicle within a class or description which is one in relation to which duty payable under the Act falls to be determined and which is different from the class or description in relation to which duty on the vehicle was last paid, or to render payable under the Act duty at a rate different from the rate at which duty was last paid ; and
- (vi) there is a vacant space in the registration book issued in respect of the vehicle in which the issue of the new licence may be recorded.

5. A person who keeps a mechanically propelled vehicle and who desires to obtain a licence for it under the Act shall accompany with his application (comprising the prescribed declaration and prescribed particulars) and such documents as are required to be produced by him on the application by virtue of the Motor Vehicles (Production of Test Certificates) Regulations 1962(a), Regulation 9 of the Motor Vehicles (Third Party Risks) Regulations 1961 and Regulation 8 of the Motor Vehicles (International Motor Insurance Card) Regulations 1963(b), the following :—

- (a) where a registration book has been issued in respect of the vehicle, the registration book, and
- (b) the amount of duty payable on the licence under the Act in respect of the vehicle.

Issue of licence and registration book

6.—(1) Upon the receipt by a council or a post office of an application in accordance with the two last preceding Regulations, that council or post office shall, subject to the provisions of section 8(2)(b) of the Act:—

- (a) if they are satisfied that the vehicle in respect of which the application is made is ordinarily kept within the appropriate area or is one in respect of which they are otherwise authorised to issue a licence, issue to the applicant a licence in such form as may be appropriate to the type or class of vehicle in respect of which the application is made ;
- (b) in the case of a council enter upon such licence before issue thereof :—
 - (i) the registration mark assigned to the vehicle ;
 - (ii) the horse-power, cylinder capacity, maximum seating capacity or weight unladen (as the case may require) in respect of which duty has been paid in any case where the rate of duty depends upon one of those factors ;
 - (iii) the class and the make of the vehicle ;

(a) S.I. 1962/1127 (1962 II, p. 1294).

(b) S.I. 1963/436 (1963 I, p. 492).

(iv) the amount of duty paid on the licence and the period for which it is taken out ;

(v) a stamp or other sufficient mark indicating the name of the authority by which the licence is issued, and the date of issue ;

and in the case of a post office enter upon such licence before issue thereof the particulars relating to the vehicle entered upon the last preceding licence delivered up to the post office with the application and the particulars specified in sub-paragraphs (iv) and (v) hereof ;

(c) subject to the following paragraph, in the case of an application to a council for the first licence for a mechanically propelled vehicle, prepare and issue to such applicant a registration book containing such particulars of the vehicle in respect of which it is issued as the Minister may from time to time direct ;

and shall return the documents accompanying the application except for the prescribed declaration, the prescribed particulars and any licence delivered up with the application.

(2) In the case of an application to a council for a licence for a mechanically propelled vehicle which will be ordinarily kept in the area of another council after the licence is issued, the council issuing the licence shall transfer the registration book in respect of the vehicle together with the prescribed declaration and the prescribed particulars and other registration papers (if any) to the other council, and the vehicle shall thereafter be registered in the register of that council and the registration book shall be forwarded by that council to the holder of the licence.

Surrender of licences

7. The holder of a licence (other than a limited trade licence or a licence for a tramcar) who wishes to surrender his licence and claim a rebate in respect of the unexpired term of the licence in accordance with the provisions of section 9 of the Act shall make a signed application in writing to the council with which the vehicle for which the licence was taken out is registered under the Act, or in the case of a general trade licence to the council by which the licence was issued, and at the same time he shall deliver up his licence to that council and, in the case of a general trade licence, return any trade plates issued to him in connection therewith.

Application for duplicate licence or registration book

8.—(1) If a licence or a registration book issued by a council in respect of a vehicle under these Regulations is lost, destroyed, mutilated or accidentally defaced or the figures and particulars thereon have become illegible or the colour of the licence has become altered by fading or otherwise, the owner of the vehicle shall apply to the council with which the vehicle is registered for the issue to him of a duplicate licence or registration book, as the case may be, and the council upon being satisfied as to such loss, destruction, mutilation, defacement, illegibility or alteration as aforesaid and, where the licence or registration book has been mutilated or accidentally defaced or the figures and particulars thereon have become illegible or the colour of the licence has become altered by fading or otherwise, upon the receipt of the licence or registration book, shall issue a duplicate so marked on payment of a fee of five shillings, and the duplicate so issued shall have the same effect as the original licence or registration book :

Provided that where the council are satisfied that the figures or particulars have become illegible or the colour of the licence has become altered by fading or otherwise without any act or neglect on the part of the holder of the licence they shall issue a duplicate so marked free of charge.

(2) In the case of the loss of any licence or registration book, if at any time after the issue of a duplicate licence or registration book the original licence or registration book is found, the owner of the vehicle, if it is in his possession, shall return it to the council which issued the duplicate thereof, or if it is not in his possession but he becomes aware that it is found, shall take all reasonable steps to obtain possession of it and if successful shall return it to the said council.

Alteration of licences and similar offences

9.—(1) No person shall alter, deface, mutilate or add anything to any licence for any mechanically propelled vehicle or exhibit upon any mechanically propelled vehicle any licence which has been altered, defaced, mutilated or added to as aforesaid or upon which the figures or particulars have become illegible or the colour has become altered by fading or otherwise.

(2) No person shall exhibit on any mechanically propelled vehicle anything which is intended to be or could be mistaken for a licence.

Register of vehicles to be kept by councils

10. Every council shall establish and keep in such form as the Minister may direct a record (in these Regulations referred to as "the register") of the mechanically propelled vehicles registered by them in pursuance of section 13 of the Act or which in accordance with the provisions of these Regulations are required to be registered with them.

Registration books

11.—(1) A council may, before issuing a registration book or a duplicate thereof to the owner of a mechanically propelled vehicle licensed by or registered with them, require the owner to satisfy them by production of the vehicle for inspection or other sufficient evidence that the vehicle accords with the prescribed particulars furnished in respect of the vehicle.

(2) The owner of a mechanically propelled vehicle in respect of which a registration book has been issued shall produce it for inspection if he is at any reasonable time required to do so by a police officer or a local taxation officer.

(3) A council with which a mechanically propelled vehicle is registered may require the owner of the vehicle to surrender to them for correction the registration book issued in respect of the vehicle in any case where they have reason to believe that the registration book contains particulars which are not correct, and upon being so required the owner of the vehicle shall surrender it to the council forthwith, which shall after correcting the particulars return it to the owner.

(4) No person shall deface or mutilate any registration book or alter or obliterate any entry made therein or, except as provided by Regulation 15(2), make any entry in or addition to a registration book.

Assignment of registration marks

12.—(1) The registration mark assigned to a vehicle in accordance with section 13 of the Act shall consist of an index mark allotted to the council followed or preceded by the registered number of the vehicle.

(2) The registered number may contain a single letter of the alphabet, which shall, where the registered number follows the index mark, follow the figures in the registered number, and, where the registered number precedes the index mark, precede the figures in the registered number.

(3) The registration mark assigned to a vehicle shall remain the registration mark of that vehicle until the vehicle is broken up, destroyed or sent permanently out of Great Britain.

(4) The index mark and registration number which are declared to have been the index mark and registration number of any vehicle at the 31st day of December 1920 shall be the registration mark of the vehicle and shall thereafter remain the registration mark of that vehicle until the same is broken up, destroyed or sent permanently out of Great Britain :

Provided that if a council are not satisfied that such index mark and registration number were at the 31st day of December 1920 registered in respect of that vehicle under Article III or Article IV of the Motor Car (Registration and Licensing) Order 1903(a) or under Article III or Article IV of the Motor Car Registration and Licensing (Scotland) Order 1903(a) or under Article III or Article IV of the Motor Car (Registration and Licensing) (Ireland) Order 1903(a), as the case may be, they should assign to the vehicle a new registration mark in the form described in paragraph (1) of this Regulation, and in any such case any licence and registration book issued in respect of the vehicle shall be surrendered to the council, which shall issue an amended licence and registration book containing the new registration mark.

(5) For the purposes of this Regulation the expression "index mark allotted to the council" means an index mark which a council may assign to a vehicle as part of the registration mark in accordance with the Road Vehicles (Index Marks) Regulations 1964(b).

Notification of alteration of vehicles

13.—(1) If any alteration, other than an alteration of the nature referred to in the next following Regulation, is made to a mechanically propelled vehicle, which renders any of the particulars contained in the registration book issued in respect of the vehicle incorrect, the owner of the vehicle shall notify the alteration in writing forthwith to the council with which the vehicle is registered and at the same time send the registration book to that council for amendment which shall after recording the alteration in the register return it amended to show the correct particulars of the vehicle.

(2) Where any such alteration renders incorrect any of the particulars shown upon the licence for the vehicle, he shall at the same time as he sends the registration book to the council send the licence to the council, which shall forthwith issue without charge an amended licence showing the correct particulars of the vehicle.

14.—(1) Where a licence has been taken out for a mechanically propelled vehicle and the vehicle is at any time while the licence is in force used in an altered condition or in a manner or for a purpose so that duty at a higher rate becomes chargeable in respect of the licence for the vehicle in accordance with section 10 of the Act, the owner of the vehicle shall furnish the prescribed particulars and make the prescribed declaration appropriate to the vehicle and send the same to the council with which the vehicle is registered together

(a) See S.R. & O. Rev. 1903, VIII Locomotive, pp. 23, 44 and 63 respectively.

(b) S.I. 1964/404 (1964 I, p. 635).

with the licence and the registration book issued in respect of the vehicle and the additional duty chargeable calculated in accordance with the provisions of section 10(2) of the Act.

(2) Where a council issue a new licence in exchange for another in accordance with the provisions of section 10(2) of the Act, the council shall after recording the alteration in the register return the registration book sent to them in accordance with the preceding paragraph amended to show the correct particulars of the vehicle.

Notification of change of ownership

15.—(1) On a change of ownership of a mechanically propelled vehicle the previous owner of the vehicle shall deliver the registration book issued in respect of the vehicle and may deliver any current licence issued in respect of the vehicle to the new owner and shall notify in writing forthwith the change of ownership to the council whose name appears in the registration book as the last registration authority stating the registration mark of the vehicle, its make and class and the name and address of the new owner.

(2) Upon acquiring the vehicle the new owner shall—

(a) if he intends to use or keep the vehicle upon public roads otherwise than under a trade licence, forthwith insert his name and address in the appropriate part of the registration book and deliver it to the council whose name appears therein as the last registration authority ;

(b) if he does not intend to use or keep the vehicle upon public roads, forthwith notify the council whose name appears in the registration book as the last registration authority that he is the owner of the vehicle, and he shall state in such notification the registration mark of the vehicle, its make and class, the name and address of the previous owner and the fact that he does not intend to use or keep the vehicle on public roads ;

(c) if he intends to use the vehicle upon public roads solely under a trade licence, at the expiration of three months from the date when he became the owner of the vehicle or, if a further change of ownership occurs, on the date of that change, whichever is the sooner, notify the council whose name appears in the registration book as the last registration authority his name and address and those of the previous owner.

16.—(1) On receipt of a registration book in pursuance of Regulation 15(2)(a) of these Regulations the council, unless the vehicle is ordinarily to be kept in the area of another council, shall forthwith—

(a) enter the name and address of the new owner in the register,

(b) record with their official stamp in the appropriate part of the registration book the date on which they have noted the change of ownership, and

(c) return the registration book to the new owner.

(2) Where the vehicle is ordinarily to be kept in the area of another council, on the receipt of the registration book as aforesaid the council shall forthwith transfer it and the documents relating to the vehicle on the register to that other council, which shall thereupon register the vehicle in the name of the new owner in the register kept by them and take the steps set out in sub-paragraphs (b) and (c) of the preceding paragraph.

(3) On receipt of a notification in pursuance of sub-paragraph (b) or (c) of Regulation 15(2) of these Regulations the council shall record the particulars in the register kept by them.

Notification of change of address of owner

17.—(1) If the owner of a mechanically propelled vehicle changes his address he shall forthwith enter particulars of his new address in the space provided in the registration book issued in respect of the vehicle and send the book to the council whose name appears therein as the last registration authority.

(2) On receipt of the registration book in pursuance of the preceding paragraph the council, unless the vehicle is ordinarily to be kept in the area of another council, shall forthwith—

(a) note the change of address in the register,

(b) record with their official stamp in the appropriate part of the registration book the date on which they have noted the change of address, and

(c) return the book to the owner.

(3) Where the vehicle will ordinarily be kept in the area of another council, on the receipt of the registration book as aforesaid the council shall forthwith transfer it and the documents relating to the vehicle on the register to that other council, which shall thereupon register the vehicle in the register kept by them and take the steps set out in sub-paragraphs (b) and (c) of the preceding paragraph.

Notification of destruction or permanent export

18. When any vehicle is broken up, destroyed or sent permanently out of Great Britain, the owner shall forthwith notify the council whose name appears in the registration book issued in respect of the vehicle as the last registration authority of that fact and shall at the same time surrender the registration book to that council.

Notification of registration particulars

19.—(1) A council, upon being requested to do so by a local authority for any purpose connected with the investigation of an offence, or by or on behalf of a chief officer of police, shall supply to that person free of charge such particulars contained in the register as may be requested of any vehicle registered with the council, and upon being requested to do so by any person who can show to the satisfaction of the council that he has reasonable cause for his request, shall supply to that person on payment of five shillings the name and address of the owner of any vehicle registered with them together with a copy of the particulars shown in the last licence issued in respect of the vehicle.

(2) In this Regulation "local authority" means in relation to England and Wales the council of a county, or the council of a county district, the Common Council of the City of London, the council of a metropolitan borough, or the council of a London borough, and in relation to Scotland means a county council or a town council.

PART III—EXHIBITION OF LICENCES AND REGISTRATION MARKS*Exhibition of licences*

20.—(1) Every licence issued under the Act and in force for a mechanically propelled vehicle, excepting a tramcar, shall be fixed to and exhibited on the vehicle in accordance with the provisions of this Regulation at all times while the vehicle is being used or kept on a public road:

Provided that when such a licence is delivered up to a post office with an application for a new licence in accordance with the provisions of Regula-

tion 4 of these Regulations no licence shall be required to be fixed to and exhibited on the vehicle until the new licence is obtained when that licence shall be deemed to be the licence in force for the vehicle for the purposes of this Regulation.

(2) Each such licence shall be fixed to the vehicle in a holder sufficient to protect the licence from any effects of the weather to which it would otherwise be exposed.

(3) The licence shall be exhibited on the vehicle:—

(a) in the case of an invalid vehicle, tricycle or bicycle, other than a case specified in sub-paragraph (b) or (c) of this paragraph, on the near side of the vehicle in front of the driving seat so that all the particulars thereon are clearly visible by daylight from the near side of the road;

(b) in the case of a bicycle drawing a side-car or to which a side-car is attached when the bicycle is being kept on a public road, on the near side of the handlebars of the bicycle or on the near side of the side-car in front of the driving seat so that all the particulars thereon are clearly visible by daylight from the near side of the road;

(c) in the case of any vehicle fitted with a glass windscreen in front of the driver extending across the vehicle to its near side, on or adjacent to the near side lower corner of the windscreen, so that all particulars thereon are clearly visible by daylight from the near side of the road;

(d) in the case of any other vehicle, if the vehicle is fitted with a driver's cab containing a near side window, on such window, or on the near side of the vehicle in front of the driver's seat or towards the front of the vehicle in the case of a pedestrian controlled vehicle and not less than 2 feet 6 inches and not more than 6 feet above the surface of the road, so that in each case all the particulars thereon are clearly visible by daylight from the near side of the road.

Form of registration marks

21. The size, shape and character of any registration mark which is required to be fixed on a vehicle by virtue of the Act shall be in accordance with the provisions of Schedule 2 to these Regulations.

Vehicles registered on or after 1st October 1938

22.—(1) The provisions of this and the next following Regulation shall apply to vehicles, other than works trucks, first registered on or after the 1st October 1938.

(2) In this and the next following Regulation the expression "relevant area" in relation to a registration mark on a vehicle means the area contained in a square described on the ground, in front of the vehicle in the case of a registration mark on the front of the vehicle and behind the vehicle in the case of a registration mark on the back of the vehicle, where one corner of the square is below the middle of the registration mark and the diagonal of the square from that corner is parallel to the longitudinal axis of the vehicle, but excluding any part of the square within ten feet of the vehicle.

(3) The registration mark of the vehicle shall be fixed and displayed on both the front and the back of the vehicle, so that in normal daylight the letters and figures are easily legible from every part of the relevant area, the diagonal of the square governing the relevant area being 75 feet.

except in the case of a bicycle, an invalid vehicle or a pedestrian controlled vehicle, when it shall be 60 feet :

Provided that in the case of the three last mentioned vehicles the registration mark at the front of the vehicle may instead be displayed either,

(i) on a plate with duplicate faces, fixed to the vehicle so that each faces sideways, or

(ii) on both sides of the front mudguard,

so that the registration mark is clearly legible from both sides of the vehicle.

23.—(1) A person using or keeping a mechanically propelled vehicle upon a public road during the hours of darkness shall ensure that every letter and figure of the registration mark displayed on the back of the vehicle, or in the case of a vehicle having attached thereto a trailer or trailers, on the trailer or rearmost trailer (as the case may be) so attached, is at all times so illuminated that in the absence of fog the letters and figures are easily legible from every part of the relevant area, the diagonal of the square governing the relevant area being 60 feet except in the case of a bicycle, an invalid vehicle or a pedestrian controlled vehicle, when it shall be 50 feet.

(2) The provisions of the foregoing paragraph shall not apply in relation to any vehicle when that vehicle is exempted, whether wholly or partially, by virtue of Regulations under the Road Transport Lighting Act 1957(a) from showing to the front and to the rear the lights which, but for those Regulations, would be required to be shown by that vehicle by virtue of that Act.

Vehicles registered before 1st October 1938

24. The provisions of Schedule 3 to these Regulations shall apply to mechanically propelled vehicles, other than works trucks, first registered before the 1st October 1938 as regards the exhibition of registration marks.

Works trucks

25. The owner of a works truck shall ensure that the registration mark of the vehicle is displayed either on both sides of the vehicle so that it is clearly legible from both sides of the vehicle, or on the back of the vehicle so that it is clearly legible from behind the vehicle, and in either case he shall ensure that the registration mark is so fixed to the vehicle that the letters and figures thereon are in the vertical.

Trailers

26.—(1) Subject to paragraph (3) of this Regulation, where one or more trailers are attached to a mechanically propelled vehicle the owner of the vehicle shall ensure that there is displayed on the trailer or rearmost trailer (as the case may be) the registration mark of the mechanically propelled vehicle, and that such registration mark is fixed to and displayed on the trailer as if the trailer were a vehicle of the same class or description as the mechanically propelled vehicle.

(2) Where the registration mark of a mechanically propelled vehicle is fixed to and displayed on a trailer attached to it in accordance with the

foregoing paragraph, the requirements of these Regulations as to the fixing to and display of a registration mark on the back of a mechanically propelled vehicle shall not apply to the vehicle drawing the trailer.

(3) Where the mechanically propelled vehicle is a restricted vehicle, the registration mark fixed to and displayed on the trailer in accordance with paragraph (1) of this Regulation may, instead of being that of the vehicle to which the trailer is attached, be that of any other restricted vehicle belonging to the owner of the vehicle to which the trailer is attached, and in such a case the duty in the said paragraph (1) as to fixing and display shall apply as if the other restricted vehicle were the vehicle to which the trailer was attached.

(4) In this Regulation "restricted vehicle" means a vehicle mentioned in section 6(6) of the Act or paragraph 2(1) of Schedule 3 thereto.

PART IV—VEHICLES EXEMPT FROM LICENCE DUTY

Extension of provisions as to registration

27. The provisions of Parts II and III of these Regulations as to registration and matters incidental thereto shall extend to the mechanically propelled vehicles to which the three next following Regulations apply (being vehicles in respect of which duty is not chargeable under the Act) subject to the modifications specified in those Regulations.

Vehicles belonging to the Crown

28.—(1) A Government Department which keeps or uses on a road a mechanically propelled vehicle belonging to the Crown which has not previously been registered under the Act, the Vehicles (Excise) Act 1949 or the Roads Act 1920 shall make the prescribed declaration and furnish the prescribed particulars as if, subject to the provisions of the next following paragraph, the Department desired to obtain a licence for the vehicle.

(2) Such declaration and particulars shall be forwarded either to the council in whose area the vehicle will ordinarily be kept or to the council in whose area an office of the Government Department is situated.

(3) Upon receipt of such declaration and particulars the council shall register the vehicle and assign to the vehicle a registration mark, and any registration mark so assigned shall be deemed to be assigned under section 13 of the Act for the purposes of subsection (2) of that section and these Regulations.

(4) No licence or registration book shall be issued by the council in respect of the vehicle so registered and the provisions of Regulation 6 of these Regulations (which relates to the issue of licences and registration books) shall not apply in respect of the vehicle.

(5) Every mechanically propelled vehicle belonging to the Crown which is kept or used on a road shall for the purposes of identification carry a certificate of Crown ownership signed by a duly authorised officer of the Government Department by which the vehicle is kept or used as aforesaid, and the provisions of Regulation 9 (which relates to the alteration of licences and similar offences) and Regulation 20 (which relates to the exhibition of licences) of these Regulations shall apply as if each reference in those Regulations to a licence issued under the Act included a reference to a certificate of Crown ownership.

(6) The provisions of Regulation 13 (which relates to notification of alteration of vehicles), Regulations 15 and 16 (which relate to notification

of change of ownership of vehicles), Regulation 17 (which relates to notification of change of address of owners of vehicles) and Regulation 18 (which relates to notification of destruction or permanent export of vehicles) of these Regulations shall not, except in so far as Regulation 15 places duties on the previous owner of a vehicle acquired by the Crown, apply in the case of vehicles belonging to the Crown.

(7) Upon the acquisition by the Crown of the ownership of a vehicle which has been registered under the Act, or the transfer of such a vehicle from one Government Department to another, a duly authorised officer of the Department which has acquired the vehicle shall notify the change in writing to the council in whose area the vehicle will ordinarily be kept or in whose area an office of that Department is situated, and where the registration book has been delivered to the Crown in accordance with the provisions of Regulation 15(1) of these Regulations any such notification shall be accompanied by the registration book of the vehicle.

(8) Upon the receipt of a notification under the preceding paragraph the council shall register the vehicle in the name of the Department from which the notification was received unless that Department has certified that the vehicle is used or appropriated for use for naval, military or air force purposes, and shall retain any registration book accompanying the notification.

(9) Where the ownership of a vehicle registered in the name of a Government Department is acquired by a person other than a Government Department, or such a vehicle is broken up, destroyed or sent permanently out of Great Britain, a duly authorised officer of the Department shall forthwith notify the fact to the council with which the vehicle is registered.

(10) Where the ownership of a vehicle registered in the name of a Government Department is acquired by a person other than a Government Department, a registration book in respect of the vehicle shall be issued to that person by the council to which he applies for a licence in respect thereof in accordance with Regulation 4 of these Regulations, or the council to which he forwards the prescribed declaration and the prescribed particulars in accordance with Regulation 29 or 30 of these Regulations, or, if he does not apply for a licence or forward such declaration and particulars, the council with which the vehicle was registered immediately prior to his acquisition of the ownership of the vehicle, upon his making an application to that council in that behalf.

(11) None of the provisions of Parts II and III of these Regulations and of this Regulation except paragraphs (7) and (8) shall apply to any vehicle belonging to the Crown which is used or appropriated for use for naval, military or air force purposes.

Vehicles used for special purposes

29.—(1) This Regulation applies to mechanically propelled vehicles, other than those belonging to the Crown, which are used exclusively on roads not repairable at the public expense or which are exempt from duty by virtue of the provisions of paragraphs (a), (c), (d) or (e) of subsection (1) or subsection (6) of section 6 of the Act.

(2) The owner of a vehicle to which this Regulation applies which has not previously been registered under the Act shall make the prescribed declaration and furnish the prescribed particulars as if he desired to take out a licence for the vehicle in accordance with Regulation 4 of these Regulations.

(3) Upon receipt of such declaration and particulars the council shall—

(a) register the vehicle and assign to the vehicle a registration mark, and any registration mark so assigned shall be deemed to be assigned

under section 13 of the Act for the purposes of subsection (2) of that section and these Regulations,

- (b) issue to the owner a registration book with the appropriate particulars of the vehicle in respect of which it is issued entered therein, but no licence shall be issued in respect of the vehicle and the provisions of Regulation 6 of these Regulations shall not apply in respect of the vehicle.

Other exempt vehicles

30.—(1) This Regulation applies to mechanically propelled vehicles which are exempted from duty by or by virtue of the provisions of section 6 of the Act, other than vehicles to which the last preceding Regulation applies, and to mechanically propelled vehicles fitted with controls enabling them to be driven by persons having particular disabilities which are exempted from duty by virtue of the provisions of section 11 of the Finance Act 1964, or which would be so exempted if registered in the name of a person suffering from a particular disability and for which exemption from duty is desired.

(2) The owner of a vehicle to which this Regulation applies shall annually make the prescribed declaration and furnish the prescribed particulars as if, subject to the next following paragraph, he desired to take out a licence for the vehicle, and in the case of a vehicle for which exemption is claimed by virtue of the provisions of the said section 11 he shall accompany with the prescribed declaration and particulars a certificate issued by the Minister of Health or the Secretary of State stating that he obtained a grant paid by the Minister of Health or Secretary of State, as the case may be, in respect of the cost of fitting controls to the vehicle out of moneys provided by Parliament or that his disability is of a kind in the case of which grants in respect of the fitting of such controls are so paid.

(3) Such declaration and particulars and any certificate shall be forwarded to the council in whose area the vehicle will ordinarily be kept.

(4) Upon receipt of such declaration and particulars and any certificate the council shall—

- (a) if the vehicle has not previously been registered under the Act register the vehicle, assign to the vehicle a registration mark and issue to the owner a registration book with the appropriate particulars of the vehicle in respect of which it is issued entered therein, and any registration mark so assigned shall be deemed to be assigned under section 13 of the Act for the purposes of subsection (2) of that section and these Regulations, and

- (b) issue to the owner of the vehicle a document in respect thereof in the form of a licence valid for a period of twelve months running from the beginning of the month in which the document first has effect with the word "NIL" marked in the space provided for indicating the amount of the duty payable and containing such particulars as are specified in sub-paragraphs (i), (ii), (iii) and (v) of Regulation 6(1)(b) of these Regulations.

(5) Subject to the foregoing the provisions of Regulation 6 of these Regulations shall not apply in respect of the vehicle.

(6) If during the currency of the document mentioned in paragraph (4)(b) of this Regulation duty becomes chargeable under the Act in respect of the vehicle to which the document relates, the document shall be returned by the owner of the vehicle forthwith to the council by which it was issued.

(7) The provisions of Regulation 9 (which relates to the alteration of licences and similar offences) and Regulation 20 (which relates to the

exhibition of licences) shall apply in relation to a vehicle to which this Regulation applies as if each reference therein to a licence issued under the Act included a reference to the document issued in respect of the vehicle under paragraph (4)(b) of this Regulation.

Civil defence vehicles

31.—(1) A mechanically propelled vehicle shall not be chargeable with duty under the Act by reason only of any use made of it for the purpose of a local or police authority's functions in connection with civil defence as defined in the Civil Defence Act 1948(a), or by reason of its being kept on a road for such use.

(2) In this Regulation the expression "police authority", as respects England and Wales, has the same meaning as in the Police Pensions Act 1921(b), as amended by section 3(3) of, and Schedule 2 to, the Police Act 1946(c) and, as respects Scotland, has the same meaning as in the Police (Scotland) Act 1956(d).

PART V—TRADE LICENCES

Applications for trade licences

32. For the purposes of section 12 of the Act the prescribed manner for a motor trader to make an application to take out a licence under that section for all mechanically propelled vehicles used by him shall be to furnish the prescribed particulars and make the prescribed declaration.

Form of trade licences

33. Each trade licence issued by a council shall contain the following particulars:—

- (a) the name and business address of the person to whom the licence is issued;
- (b) the general registration mark assigned to that person;
- (c) the date of expiry of the licence;
- (d) the amount of duty paid;
- (e) the serial number of the licence;
- (f) the date stamp of the office of issue.

Issue of trade plates and limited trade licence books

34.—(1) A council shall issue to every holder of a trade licence two plates (in these Regulations referred to as "trade plates") appropriate to the class of vehicles on which they will be used showing the general registration mark assigned to the holder of the licence, and one of the plates so issued shall contain means whereby the licence may be fixed thereto:

Provided that where the holder of a trade licence satisfies the council by which it was issued that the vehicles which he will use by virtue of the licence include vehicles which would otherwise be liable to duty under Schedule 1 to the Act and other vehicles he shall be entitled to be issued free of charge with two trade plates appropriate to each class of vehicles.

(2) The trade plates issued by councils under this Regulation shall conform to such specifications as the Minister may from time to time direct.

(3) Each such trade plate shall remain the property of the council by which it was issued, and shall be returned to the council on demand if the person to whom it was issued no longer holds a trade licence.

(a) 12, 13 & 14 Geo. 6. c. 5.
(c) 9 & 10 Geo. 6. c. 46.

(b) 11 & 12 Geo. 5. c. 31.
(d) 4 & 5 Eliz. 2. c. 26.

(4) If any trade plate issued by a council to the holder of a trade licence is lost, stolen, destroyed or defaced, the licence holder shall forthwith notify the council which shall supply the holder with a replacement for that trade plate.

(5) No person shall fraudulently alter or use, or fraudulently lend or allow to be used by any other person, any trade plate.

(6) In the case of a limited trade licence a council shall also issue to the holder of the licence a book (in these Regulations referred to as a "limited trade licence book") in a form approved by the Minister.

Notification of change of address

35. If the holder of a trade licence changes his business address he shall notify this fact and the new address forthwith to the council by which the licence was issued.

General trade licences

36. The following set of Regulations contained in Regulations 37 and 38 of these Regulations shall apply to general trade licences in respect of the conditions subject to which they are to be issued and the purposes for which they may be used.

37. No person shall use a vehicle on a public road by virtue of a general trade licence except in accordance with the following provisions:—

(a) there shall be fixed to and displayed on the vehicle the trade plates issued with the general trade licence in such a manner that, if the vehicle were a vehicle first registered on or after the 1st October 1938 and the trade plates contained the registration mark assigned to the vehicle, the provisions of Regulations 22 and 23 would be complied with as respects vehicles other than works trucks, and as respects works trucks, the provisions of Regulation 25 would be complied with;

(b) where in accordance with the provisions of the preceding paragraph a trade plate is required to be fixed to the front of a vehicle, the trade plate so fixed shall be that containing means for fixing the licence thereto, and the general trade licence shall be displayed on that trade plate so as to be at all times clearly visible by daylight from the front of the vehicle.

38.—(1) No person to whom a general trade licence has been issued shall use any vehicle on a public road by virtue of the licence for a purpose other than one of the following:—

(a) a purpose connected with his business as a manufacturer or repairer of or dealer in mechanically propelled vehicles,

(b) a purpose connected with his business as a manufacturer or repairer of or dealer in trailers carried on in conjunction with his business as a motor trader,

(c) any additional purpose of the holder of the trade licence whilst the vehicle is being used for a purpose described in sub-paragraph (a) or (b) of this paragraph:

Provided that in accordance with subsection (3) of section 12 of the Act the above-mentioned purposes shall not include the collection or delivery of mechanically propelled vehicles on or by means of another mechanically propelled vehicle, except in connection with activities which would be treated for the purposes of that section as part of the business of a motor trader

apart from the provision in subsection (10) of that section as to the construction of the reference therein to a dealer in such vehicles.

(2) The use of a vehicle for carrying passengers for hire or reward or a social or recreational activity shall not be regarded as the use of the vehicle for a purpose connected with the business of the trade licence holder as a motor trader.

(3) The use of a vehicle for the purpose of enabling a prospective purchaser to test the vehicle or for demonstrating its operation when being handed over to a purchaser shall not be regarded as a use for the purpose of the business of the trade licence holder as a motor trader unless there is present in the vehicle (except in the case of a vehicle which is constructed to carry only one person) the holder of the general trade licence or an employee of his.

Limited trade licences

39. The following set of Regulations contained in Regulations 40 and 41 of these Regulations shall apply to limited trade licences in respect of the conditions subject to which they are to be issued and the purposes for which they may be used.

40. No person shall use a vehicle on a public road by virtue of a limited trade licence except in accordance with the following provisions:—

(1) (a) On each occasion before a vehicle is so used there shall be completed in duplicate the appropriate entries in the limited trade licence book.

(b) During the whole of the journey to which the entries relate one copy of the entries shall be carried on the vehicle, and shall be produced for inspection at any time during such journey by the driver upon the demand of a police officer or a local taxation officer.

(c) The provisions of paragraphs (a) and (b) of Regulation 37 of these Regulations (which relate to the fixing and display of trade plates) shall be complied with as if each reference in those paragraphs to a general trade licence were a reference to a limited trade licence.

(2) (a) No person shall be carried on the vehicle or any trailer drawn thereby other than—

(i) the driver or drivers of the vehicle,

(ii) any person required to be on the vehicle or trailer by, or by virtue of, the Road Traffic Act 1960,

(iii) any person carried for the purpose of fulfilling his statutory duties in connection with an inspection of the vehicle or trailer,

(iv) any person in a broken-down vehicle being towed,

(v) the holder of the limited trade licence or an employee of his, if in either case his presence is necessary for the purpose for which the vehicle is being used,

(vi) a prospective purchaser or his servant or agent, or in the case of a vehicle being used for the purpose described in Regulation 41(1)(e) of these Regulations a purchaser or his servant or agent.

(b) In the case of a person coming within sub-paragraph (iv) of the preceding paragraph not more than one such person shall be carried and in the case of a person coming within sub-paragraph (v) or (vi) of the preceding paragraph not more than two such persons shall be carried, and where a person coming within the said sub-paragraph (vi) is carried

he shall be accompanied (except in the case of a vehicle which is constructed to carry only one person) by the holder of the limited trade licence or an employee of his.

- (3) (a) The vehicle or any trailer drawn thereby shall not be used for carrying goods or burden of any description except:—
- (i) a vehicle in a condition described in Regulation 41(1)(h) of these Regulations when the former vehicle is being used for the purpose described in that provision,
 - (ii) for testing the vehicle or trailer.
- (b) Any goods or burden carried for testing the vehicle or trailer shall—
- (i) be carried solely for that purpose,
 - (ii) consist solely of some ordinary form of ballast such as sand, gravel or scrap iron,
 - (iii) be returned to the place of loading without having been removed from the vehicle or trailer except to such extent as may be necessary for the purposes of the test or in case of an accident.
- (c) The prohibition in paragraph (3)(a) of this Regulation shall not apply to goods which are being carried otherwise than for hire or reward if the mechanically propelled vehicle and any trailer drawn thereby are new vehicles in the course of delivery to a purchaser or to a railway station, port or airfield for export.

41.—(1) No person to whom a limited trade licence has been issued shall use any vehicle on a public road by virtue of that licence for a purpose other than one of the following:—

- (a) for its test or trial in the ordinary course of construction or repair or immediately after completion in either such case;
- (b) for proceeding to or from a public weighbridge for ascertaining its unladen weight or to or from any place for its registration or inspection by a council;
- (c) for its test or trial for the benefit of a prospective purchaser, for proceeding at the instance of a prospective purchaser to any place for the purpose of such test or trial, or for returning after such test or trial;
- (d) for delivering it to the place where the purchaser intends to keep it;
- (e) for demonstrating its operation when being handed over to the purchaser;
- (f) for delivering it from his premises to the premises of another manufacturer or repairer of or dealer in mechanically propelled vehicles or removing it from the premises of another manufacturer or repairer of or dealer in mechanically propelled vehicles direct to his own premises;
- (g) for proceeding to or returning from a workshop in which a body is to be or has been fitted to it or it is to be or has been painted or repaired;
- (h) for towing or carrying another vehicle which, while being driven upon a public road, has become unable to proceed under its own power, from the place where it has broken down to a place for repair or storage, or for towing a trolley vehicle;
- (i) for proceeding from the premises of a manufacturer or repairer of or dealer in mechanically propelled vehicles to a place from which it is

to be transported by train, ship or aircraft or for proceeding to the premises of such a manufacturer, repairer or dealer from a place to which it has been so transported ;

- (j) for proceeding to or returning from any garage, auction room or other place at which vehicles are usually stored or usually or periodically offered for sale and at which the vehicle is to be or has been stored or is to be or has been offered for sale as the case may be ;
- (k) in the case of a vehicle which is for the time being laid up by its owner, for proceeding from the place where it is stored to some other place of storage.

(2) Nothing in the preceding paragraph shall authorise the use of a vehicle on a public road by virtue of a limited trade licence for a purpose for which the vehicle could not be so used by virtue of a general trade licence.

Limited trade licence books

42.—(1) The holder of a limited trade licence shall produce the limited trade licence book for inspection upon any demand made at a reasonable time by a police officer or a local taxation officer, and shall keep such book available for inspection for not less than six months from the date on which the last entry was made in the book in accordance with Regulation 40(1)(a) of these Regulations at the place specified in the application for the limited trade licence in respect of which it was issued as the place at which the book will be kept.

(2) No person shall delete, obliterate or destroy any entry in a limited trade licence book which is required to be kept in accordance with the preceding paragraph or any copy of such entry which is required to be carried on a vehicle in accordance with Regulation 40(1)(b) of these Regulations, or make any entry or alteration to an entry which is to his knowledge false or misleading.

PART VI—HACKNEY CARRIAGES

Distinctive signs for hackney carriages

43.—(1) The distinctive sign, which subject to the exceptions prescribed in paragraph (2) of this Regulation, every mechanically propelled vehicle which is chargeable with duty as a hackney carriage is required to exhibit in accordance with section 14 of the Act, shall comply with the diagram and specification set out in Schedule 4 to these Regulations, and shall be exhibited on the back of the vehicle in an upright position, so as at all times to be clearly visible in daylight from behind the vehicle.

(2) The following vehicles shall be excepted from the above-mentioned requirement in section 14 of the Act:—

- (a) tramcars,
- (b) vehicles in respect of which the rate of duty under the Act as a hackney carriage is not less than the rate of duty under Schedule 5 to the Act,
- (c) vehicles licensed to ply for hire which carry in a conspicuous position on the outside of the vehicle a mark in the form prescribed by the authority by whom it is so licensed indicating clearly that the vehicle is a hackney carriage so licensed,
- (d) hackney carriages temporarily adapted for and being used solely for the conveyance of goods in the course of trade.

Seating capacity of hackney carriages

44.—(1) For the purposes of Schedule 2 to the Act (which prescribes the annual rates of duty on hackney carriages) the seating capacity of a vehicle shall be determined as follows:—

- (a) where separate seats for each person are provided one person shall be counted for each separate seat provided;
- (b) where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms:

Provided that in calculating the seating capacity of any vehicle the driver's seat shall be excluded, and where on any vehicle there are seats alongside the driver's seat, whether separate from or continuous with the driver's seat, and the council is satisfied that those seats will not during the currency of the licence to be issued be permitted to be used by members of the public travelling on the vehicle, those seats shall be excluded in calculating the seating capacity of the vehicle.

(2) For the purposes of this Regulation the expression "the driver's seat" means any separate seat occupied by the driver of the vehicle, or, where no such separate seat is provided and the driver occupies a portion of a continuous seat, so much of that seat as extends from the right edge of the seat in the case of a vehicle steered from the right-hand side, or from the left edge of the seat in the case of a vehicle steered from the left-hand side, to a point 18 inches left or right, as the case may be, of the point on the seat directly in rear of the centre of the steering column.

PART VII—MISCELLANEOUS

Horse-power

45.—(1) For the purposes of any rate of duty under the Act the horse-power of any mechanically propelled vehicle deriving its motive power wholly from an internal combustion engine worked by a cylinder or cylinders shall be taken to be:—

- (a) in the case of a single-cylinder engine, the horse-power attributable to the cylinder of the engine;
- (b) in the case of an engine having two or more cylinders, the sum of the horse-powers attributable to the separate cylinders.

(2) The horse-power attributable to any cylinder of an internal combustion engine shall be deemed to be equal to the square of the internal diameter of such cylinder measured in inches divided by, in the case of a cylinder having a single piston, 2.5, and in the case of a cylinder having two pistons, 1.6.

(3) The horse-power of any mechanically propelled vehicle deriving its power wholly from a steam engine shall be taken to be proportional to the effective heating surface of the boiler supplying steam to such engine, at the rate of 1 horse-power for every 3 square feet in such effective heating surface, and the effective heating surface shall be taken to be:—

- (a) in the case of a boiler having horizontal or approximately horizontal tubes, the whole of that surface of the tubes which is exposed to the flame or hot gases;
- (b) in the case of a boiler having vertical or approximately vertical tubes, half of that surface of the tubes which is exposed to the flame or hot gases.

(4) In measuring cylinders and boilers for the purpose of calculating horse-power, and in calculating horse-power, fractions of inches and feet and fractions of a unit of horse-power are to be taken into account :

Provided that in the final calculation of horse-power a resultant fraction of less than 0.1 of a unit of horse-power shall be omitted.

Cylinder capacity

46.—(1) For the purposes of any rate of duty under the Act the cylinder capacity of any mechanically propelled vehicle deriving its motive power wholly from an internal combustion engine worked by a cylinder or cylinders shall be taken to be:—

(a) in the case of a single-cylinder engine, the cylinder capacity attributable to the cylinder of the engine ;

(b) in the case of an engine having two or more cylinders, the sum of the cylinder capacities attributable to the separate cylinders.

(2) The cylinder capacity attributable to any cylinder of an internal combustion engine shall be deemed to be equal to:—

(a) in the case of a cylinder having a single piston, the product expressed in cubic centimetres of the square of the internal diameter of such cylinder measured in centimetres, and the distance through which the piston associated with that cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854 ; and

(b) in the case of a cylinder having more than one piston, the sum of the products expressed in cubic centimetres of the square of the internal diameter of each part of the cylinder in which a piston moves measured in centimetres, and the distance through which the piston associated with that diameter moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854.

(3) In measuring cylinders for the purpose of calculating cylinder capacity, and in calculating cylinder capacity, fractions of centimetres are to be taken into account.

Unladen weight

47. The owner of a vehicle in respect of which duty under the Act is, or may be, payable by reference to its unladen weight, on being required in writing to do so by the council to which he has made an application for a licence for the vehicle or with which the vehicle is registered, shall—

(a) furnish the prescribed declaration of weight, or

(b) produce the vehicle at a specified time and weighbridge (which time shall be not less than seven days after the date of the requirement) together with any alternative bodies or parts which are by virtue of paragraph 1 of Schedule 6 to the Act required to be included in its unladen weight and cause the vehicle to be weighed at that time and place in the presence of an officer of the council,

in accordance with whichever course the requirement may specify.

Exercise of powers and duties of councils by officers

48. Any officer of a council authorised in that behalf by the council may perform any duty and exercise any power of the council for the purpose of giving effect to these Regulations.

Given under the Official Seal of the Minister of Transport the 23rd July 1964.

(L.S.)

Ernest Marples,

The Minister of Transport.

SCHEDULE 1 (See Regulation 2)

REGULATIONS REVOKED

Title	Year and Number
The Civil Defence Vehicles (Relief from Duty) Regulations 1953	S.I. 1953/269 (1953 II, p. 1880).
The Road Vehicles (Registration and Licensing) Regulations 1955	S.I. 1955/1664 (1955 II, p. 2353).
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1957	S.I. 1957/701 (1957 II, p. 2141).
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1958	S.I. 1958/1069 (1958 II, p. 2116).
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1960	S.I. 1960/1648 (1960 III, p. 3007).
The Road Vehicles (Registration and Licensing) (Amendment) Regulations 1962	S.I. 1962/1610 (1962 II, p. 1861).
The Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1962	S.I. 1962/2443 (1962 III, p. 3320).

SCHEDULE 2 (See Regulation 21)

FORM OF REGISTRATION MARKS

PART I

Diagrams showing arrangements of specimen registration marks



Diagram No. 1

ABC 242

Diagram No. 2

**AB
42
24**

Diagram No. 3

**242
AB**

Diagram No. 4

242 ABC

Diagram No. 5



Diagram No. 6



Diagram No. 7



Diagram No. 8



Diagram No. 9



Diagram No. 10



Diagram No. 11



Diagram No. 12

PART II

Size, shape and character of registration marks

Interpretation

1. For the purposes of this Schedule:—

- (a) any reference to a numbered diagram is a reference to the diagram of that number set out in Part I of this Schedule ;
- (b) the expressions “upper margin”, “lower margin” and “side margin”, in relation to the black surface upon which a registration mark is inscribed or formed in accordance with paragraph 6 or 7 of this Schedule, mean respectively the space between the upper edge of the said black surface and the nearest part of each letter and figure situated nearest that edge, the space between the lower edge of the said black surface and the nearest part of each letter and figure situated nearest that edge, and the space between a side of the said surface and the nearest part of each letter and figure situated nearest that side ;
- (c) references to a registration mark which is embossed or pressed are references to a registration mark which consists either of a single plate with letters and figures embossed or pressed thereon or with separate letters and figures attached thereto or of separate plates each with a single letter or figure embossed or pressed thereon or attached thereto.

Arrangement of numbers and letters

2. Where a registration mark consists of an index mark followed by a registered number not containing a letter it shall at the option of the owner be arranged in conformity with either diagram No. 1 or diagram No. 2 or, in the case of a registration mark assigned to a bicycle and exhibited on the back of the vehicle, being a mark which consists of an index mark comprising two letters followed by a registered number comprising four figures, in conformity with diagram No. 3.

3. Where a registration mark consists of an index mark preceded by a registered number not containing a letter it shall at the option of the owner be arranged in conformity with either diagram No. 4 or diagram No. 5 or, in the case of a registration mark assigned to a bicycle and exhibited on the back of

the vehicle, being a mark which consists of an index mark comprising two letters preceded by a registered number comprising four figures, in conformity with diagram No. 6.

4. Where a registration mark consists of an index mark followed by a registered number containing a letter it shall at the option of the owner be arranged in conformity with either diagram No. 7 or diagram No. 8 or, in the case of a registration mark assigned to a bicycle and exhibited on the back of the vehicle, being a mark which consists of an index mark comprising three letters followed by a registered number comprising three figures and a letter, in conformity with diagram No. 9.

5. Where a registration mark consists of an index mark preceded by a registered number containing a letter it shall at the option of the owner be arranged in conformity with either diagram No. 10 or diagram No. 11 or, in the case of a registration mark assigned to a bicycle and exhibited on the back of the vehicle, being a mark which consists of an index mark comprising three letters preceded by a registered number comprising a letter and three figures, in conformity with diagram No. 12.

Colour and construction

6. Unless a registration mark is so designed and constructed that it may be illuminated from behind by means of the translucency of the letters and figures it shall be formed of white, silver or light grey letters and figures upon a black surface and every letter or figure shall be indelibly inscribed upon or so attached to that surface that it cannot readily be detached therefrom and if the letters and figures are exhibited on a flat plate the plate may be constructed of cast or pressed metal having raised letters and figures.

7. If a registration mark is so designed and constructed to be illuminated from behind as aforesaid it shall be formed of white letters and figures upon a black surface and all the letters and figures shall, when the registration mark is so illuminated during the hours of darkness, appear white against a black background.

Size and shape

8.—(1) Except as is provided in paragraph 12 or 17 of this Schedule the registration marks displayed on a vehicle shall be displayed on a flat rectangular plate or on a rectangular, flat and unbroken area on the surface of the vehicle, and such marks shall at the option of the owner of the vehicle conform either to the group of provisions contained in paragraphs 9 to 12 inclusive of this Schedule or to the group of provisions contained in paragraphs 13 to 17 inclusive of this Schedule.

(2) For the purposes of the following paragraphs of this Schedule any letter contained in the registered number of a vehicle shall be deemed to be a figure contained in that number.

First group of provisions as to size and shape

9. Subject to the provisions of paragraph 12 of this Schedule, each letter and figure shall be $3\frac{1}{2}$ inches high, every part of each letter and figure shall be $\frac{1}{4}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $2\frac{1}{2}$ inches.

10. Subject to the provisions of paragraph 12 of this Schedule, there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed of at least $\frac{1}{2}$ inch, there shall be a side margin on each side of the said surface of at least 1 inch and the space between the nearest parts of adjoining letters and between the nearest parts of adjoining figures shall be $\frac{1}{2}$ inch, except that where the registration mark is embossed or pressed the space between the nearest parts of two adjoining figures "1" shall be not less than $\frac{1}{2}$ inch nor more than $2\frac{1}{2}$ inches and the space between the nearest part of a figure "1" and the nearest part of any other adjoining figure shall be not less than $\frac{1}{2}$ inch nor more than $1\frac{1}{8}$ inches.

11. Subject to the provisions of paragraph 12 of this Schedule, where the registration mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{2}$ inch, where it is arranged in accordance with diagram No. 3, diagram No. 6, diagram No. 9 or diagram No. 12, the space between the upper and middle lines, and the space between the middle and lower lines, shall in each case be $\frac{1}{2}$ inch, and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be $1\frac{1}{2}$ inches, except that where the registration mark is embossed or pressed the said space of $1\frac{1}{2}$ inches may be exceeded by not more than $\frac{1}{8}$ inch.

12. As respects the registration mark assigned to a bicycle, an invalid vehicle or a pedestrian controlled vehicle—

(1) where the registration mark is displayed on the front of the vehicle—

(a) the plate or area upon which the mark is inscribed or formed need not be rectangular if the letters and figures comprised in the mark conform as nearly as possible with the arrangement shown in that one of the diagrams set out in this Schedule with which, in accordance with paragraph 2, 3, 4 or 5 of this Schedule, the mark has been selected to conform, and

(b) the following requirements may be complied with instead of the requirements specified in paragraphs 9, 10 and 11 of this Schedule, that is to say:—

(i) each letter and figure shall be $1\frac{1}{2}$ inches high, every part of each letter and figure shall be $\frac{5}{8}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $1\frac{1}{2}$ inches,

(ii) there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed of at least $\frac{1}{4}$ inch and there shall be a side margin on each side of the said surface of at least $\frac{1}{4}$ inch; the space between the nearest parts of adjoining letters and between the nearest parts of adjoining figures shall be $\frac{1}{4}$ inch, and

(iii) where the mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{2}$ inch and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be $\frac{1}{2}$ inch; and

(2) where the registration mark is displayed on the back of the vehicle on a plate—

(a) the corners of the plate may be rounded off, the letters comprised in the index mark (if the arrangement shown in diagram No. 1 or diagram No. 7 is selected) or the figures comprised in the registered number (if the arrangement shown in diagram No. 4 or diagram No. 10 is selected) may be placed to the left so, however, that no part of the first of such letters or the first of such figures, as the case may be, is nearer to the left-hand edge of the plate than $\frac{1}{4}$ inch, and

(b) the following requirements may be complied with instead of the requirements specified in paragraphs 9, 10 and 11 of this Schedule, that is to say:—

(i) each letter and figure shall be $2\frac{1}{2}$ inches high, every part of each letter and figure shall be $\frac{1}{2}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $1\frac{1}{2}$ inches,

(ii) there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed, and a side margin on each side of the said surface, of at least $\frac{1}{4}$ inch; the space between the nearest parts of adjoining letters and adjoining figures shall be $\frac{1}{4}$ inch, and

(iii) where the mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{2}$ inch, where it is arranged in accordance with diagram No. 3, diagram No. 6, diagram No. 9 or diagram No. 12, the space between the upper and middle lines, and the space between the middle and lower lines, shall in each case be $\frac{1}{2}$ inch, and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be 1 inch.

Alternative group of provisions as to size and shape

13. Subject to the provisions of paragraph 17 of this Schedule, each letter and figure shall be $3\frac{1}{2}$ inches high, every part of each letter and figure shall be $\frac{9}{16}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $2\frac{1}{2}$ inches.

14. Without prejudice to the provisions of the foregoing paragraph, part of the visible surface of every letter and figure comprised in a registration mark which is embossed or pressed shall be flat, every part of the width of the said flat part shall be not less than $\frac{1}{4}$ inch, and every such letter and figure shall be so arranged that the said flat part is parallel to the surface of the plate on which the letter or figure appears, and no part of any such letter or figure shall project from the surface of the said plate by more than $\frac{3}{16}$ inch.

15. Subject to the provisions of paragraph 17 of this Schedule, there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed, and a side margin on each side of the said surface, of at least $\frac{1}{16}$ inch and the space between the nearest parts of adjoining letters and between the nearest parts of adjoining figures shall be $\frac{1}{16}$ inch, except that where the registration mark is embossed or pressed the space between the nearest parts of two adjoining figures "1" shall be not less than $\frac{1}{8}$ inch nor more than $2\frac{1}{2}$ inches and the space between the nearest part of a figure "1" and the nearest part of any other adjoining figure shall be not less than $\frac{1}{16}$ inch nor more than $1\frac{3}{32}$ inches.

16. Subject to the provisions of paragraph 17 of this Schedule, where the registration mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{2}$ inch, where it is arranged in accordance with diagram No. 3, diagram No. 6, diagram No. 9 or diagram No. 12, the space between the upper and middle lines, and the space between the middle and lower lines, shall in each case be $\frac{1}{2}$ inch, and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be $1\frac{5}{8}$ inches, except that where the registration mark is embossed or pressed the said space of $1\frac{5}{8}$ inches may be exceeded by not more than $\frac{3}{32}$ inch.

17. As respects the registration mark assigned to a bicycle, an invalid vehicle or a pedestrian controlled vehicle—

(1) where the registration mark is displayed on the front of the vehicle—

(a) the plate or area upon which the mark is inscribed or formed need not be rectangular if the letters and figures comprised in the mark conform as nearly as possible with the arrangement shown in that one of the diagrams set out in this Schedule with which, in accordance with paragraph 2, 3, 4 or 5 of this Schedule, the mark has been selected to conform, and

(b) the following requirements may be complied with instead of the requirements specified in paragraphs 13, 15 and 16 of this Schedule, that is to say:—

(i) each letter and figure shall be $1\frac{1}{2}$ inches high, every part of each letter and figure shall be $\frac{5}{16}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $1\frac{1}{2}$ inches,

- (ii) there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed, and a side margin on each side of the said surface, of at least $\frac{1}{4}$ inch; the space between the nearest parts of adjoining letters and the nearest parts of adjoining figures shall be $\frac{1}{8}$ inch, and
 - (iii) where the mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{4}$ inch and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be $\frac{1}{8}$ inch; and
- (2) where the registration mark is displayed on the back of the vehicle on a plate—
- (a) the corners of the plate may be rounded off, the letters comprised in the index mark (if the arrangement shown in diagram No. 1 or diagram No. 7 is selected) or the figures comprised in the registered number (if the arrangement shown in diagram No. 4 or diagram No. 10 is selected) may be placed to the left so, however, that no part of the first of such letters or the first of such figures, as the case may be, is nearer to the left-hand edge of the plate than $\frac{1}{4}$ inch, and
 - (b) the following requirements may be complied with instead of the requirements specified in paragraphs 13, 15 and 16 of this Schedule, that is to say—
 - (i) each letter and figure shall be $2\frac{1}{4}$ inches high, every part of each letter and figure shall be $\frac{1}{4}$ inch broad, and the total width of the space taken by each letter and figure, except in the case of the figure "1", shall be $1\frac{1}{4}$ inches,
 - (ii) there shall be an upper margin and a lower margin on the black surface upon which the registration mark is inscribed or formed, and a side margin on each side of the said surface, of at least $\frac{1}{4}$ inch; the space between the nearest parts of adjoining letters and adjoining figures shall be $\frac{1}{4}$ inch, and
 - (iii) where the mark is arranged in accordance with diagram No. 1, diagram No. 4, diagram No. 7 or diagram No. 10, the space between the upper and lower lines shall be $\frac{1}{4}$ inch, where it is arranged in accordance with diagram No. 3, diagram No. 6, diagram No. 9 or diagram No. 12, the space between the upper and middle lines, and between the middle and lower lines, shall in each case be $\frac{1}{4}$ inch, and where it is arranged in accordance with diagram No. 2, diagram No. 5, diagram No. 8 or diagram No. 11, the space between the letters and the figures shall be 1 inch.

SCHEDULE 3 (See Regulation 24)

EXHIBITION OF REGISTRATION MARKS ON CERTAIN VEHICLES REGISTERED BEFORE 1ST OCTOBER 1938

Interpretation

1. In this Schedule "vehicle" means a mechanically propelled vehicle, other than a works truck, first registered before 1st October 1938.

Position and visibility of registration marks

2. Subject to the provisions of the next following paragraph the registration mark of any vehicle shall be exhibited on the front of, and on the back of, the vehicle in a vertical position, so that every letter or figure of the registration mark is vertical and easily distinguishable, in the case of the letters and figures placed on the front of the vehicle, from in front of the vehicle, and in the case of the letters and figures placed on the back of the vehicle, from behind the vehicle.

3. In the case of a vehicle being a bicycle, an invalid vehicle or a pedestrian controlled vehicle the front registration mark may be displayed either—

- (a) on a flat plate having duplicate faces both conforming with Schedule 2 to these Regulations, and fixed on the vehicle in a vertical position, or
- (b) on both sides of the vehicle in a vertical position on a flat unbroken surface forming part of the front mudguard,

in such a manner that from whichever side the vehicle is viewed the letters and figures on one or other face of the plate or side of the mudguard, as the case may be, are easily distinguishable although they may not be distinguishable from the front of the vehicle.

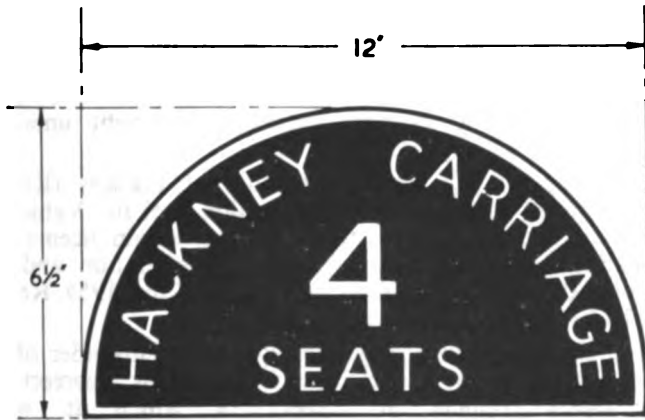
Illumination of registration marks

4. Whenever during the hours of darkness a vehicle is upon a public road, a lamp shall be kept burning on the vehicle, so contrived as to illuminate by means of reflection or otherwise, and render easily distinguishable, every letter and figure of the registration mark exhibited on the back of the vehicle or on the rearmost vehicle attached to the back of the vehicle, as the case may be.

SCHEDULE 4 (See Regulation 43)

SIGN TO BE EXHIBITED BY HACKNEY CARRIAGES

Diagram



Note: The diagram above is a specimen sign drawn approximately to the scale of one-fourth. The number is to be altered to indicate the actual seating capacity of the vehicle.

Specification

1. The hackney carriage sign is to be approximately semi-circular in shape and of the size shown upon the foregoing diagram and is to be exhibited upon a flat plate or upon a flat surface forming part of the vehicle.
2. The border, letters and figures of the sign must be indelibly inscribed in white, silver or light grey upon a black surface and no letter or figure shall be capable of being detached from such surface. If they are inscribed upon a plate the plate may be of cast or pressed aluminium having raised border, letters and figures.
3. The width of the surrounding border must be $\frac{1}{4}$ inch, the height of all letters 1 inch, and the width of face of letters $\frac{1}{8}$ inch: the number must be $2\frac{1}{2}$ inches in height of proportional width and $\frac{1}{4}$ inch width of face.
4. A number indicating the seating capacity of the vehicle is to be placed in the central position occupied by the figure "4" in the diagram.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate with amendment the provisions of the Civil Defence Vehicles (Relief from Duty) Regulations 1953, the Road Vehicles (Registration and Licensing) Regulations 1955 and subsequent amending instruments listed in Schedule 1.

The principal changes are as follows:—

1. The regulations relating to the licensing and registration of vehicles have been placed in a sequence which follows normal licensing and registration procedures, the terminology of the regulations has been brought into accordance with that of the Vehicles (Excise) Act 1962 and the regulations relating to the exhibition of licences and registration marks have been grouped into a new Part III ;
2. The definition of "works truck" has been widened to include vehicles which move goods between private premises and a vehicle on a road in the immediate neighbourhood (Regulation 3) ;
3. The circumstances in which an application may be made to a Post Office to re-license a vehicle have been stated more comprehensively (Regulation 4) ;
4. The practice of not issuing registration books in cases where six or more vehicles of uniform type and make in the same ownership are registered is discontinued, and the requirement to enter on a licence for a vehicle before issue the letters "MAX" where duty has been paid with reference to cylinder capacity or weight unladen at the maximum rate is not reproduced ;
5. The provisions relating to the surrender of licences (Regulation 7) have been framed in accordance with section 9 of the Vehicles (Excise) Act 1962 and the requirement to deliver up certain licences contained in Regulation 18 of the Motor Vehicles (Registration and Licensing) Regulations 1955 (hereinafter referred to as "the 1955 Regulations") has not been reproduced ;
6. County Councils are given power to require the surrender of a registration book for correction and re-issue if it contains incorrect particulars of the motor vehicle in respect of which it was issued (Regulation 11(3)) ;
7. The persons who may be supplied free with particulars on the register of motor vehicles kept by a County Council have been redefined and will include Urban and Rural District Councils (Regulation 19) ;
8. Regulation 24 of the 1955 Regulations which provided for the supply by County Councils of registration plates to the owners of vehicles has not been reproduced ;
9. The provisions relating to the exhibition of licences have been modified in certain respects, in particular the requirements as to the construction of the licence holder are merely that it shall protect the licence from any effects of the weather to which it would otherwise be exposed (Regulation 20) ;
10. Certain additional descriptions of mechanically propelled vehicles which are exempted from duty under the Vehicles (Excise) Act 1962 have been exempted from exhibiting documents in the form of a licence showing that no duty is payable (Regulation 29) ;

11. Vehicles exempted from duty by the Finance Act 1964 (vehicles adapted for use by disabled persons) are brought within the descriptions of vehicles required to exhibit a document in the form of a licence showing that no duty is payable and the owners of such vehicles are required to furnish annually an appropriate certificate (Regulation 30) ;
12. A new provision has been included requiring the holder of a trade licence to notify the appropriate county council if his trade plates have been lost, stolen, destroyed or defaced and requiring the council to replace them in such circumstances (Regulation 34(4)) ;
13. The provisions relating to trade licences have been simplified and the use of a vehicle on a public road under a limited trade licence for demonstrating its operation to a purchaser is made lawful (Regulation 41(1)(e)) and when a vehicle is being used for such a purpose or for enabling a prospective purchaser to test the vehicle the licence holder or an employee of his should be present in the vehicle, except in the case of a vehicle constructed to carry only one person, whether the vehicle is being used under a general trade licence (Regulation 38(3)) or a limited trade licence (Regulation 40(2)(b)) ;
14. A number of provisions have not been reproduced in the consolidated regulations e.g. Regulations 3 (apart from the proviso), 22(4), 26(3), and 28(2) of the 1955 Regulations.

1964 No. 1182

CUSTOMS AND EXCISE

The Import Duty Drawbacks (No. 6) Order 1964

<i>Made</i> - - - -	27th July 1964
<i>Laid before the House of Commons</i> - -	31st July 1964
<i>Coming into Operation</i>	5th August 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) In Schedule 2 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of goods produced or manufactured from imported articles), the entries respectively relating to electrosensitive recording paper and quebracho extract shall have effect as if the rates of drawback provided for by those entries were the rates shown in column 2 of the Schedule to this Order (instead of those shown in column 3 of those entries, as respectively amended by the Import Duty Drawbacks (No. 4) Order 1963(c) and the Import Duty Drawbacks (No. 11) Order 1962(d), and again set out in column 3 of the Schedule to this Order).

(2) In consequence of paragraph (1) above the Import Duty Drawbacks (No. 11) Order 1962 and the Import Duty Drawbacks (No. 4) Order 1963 are hereby revoked.

2.—(1) This Order may be cited as the Import Duty Drawbacks (No. 6) Order 1964.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 5th August 1964.

M. A. Hamilton,

Ian MacArthur,

Two of the Lords Commissioners
of Her Majesty's Treasury.

27th July 1964.

(a) 6 & 7 Eliz. 2. c. 6. (b) S.I. 1962/1685 (1962 II, p. 2040).
(c) S.I. 1963/1139 (1963 II, p. 1927). (d) S.I. 1962/2586 (1962 III, p. 3480).
(e) 52 & 53 Vict. c. 63.

SCHEDULE

CHANGES IN RATES OF DRAWBACK FOR ELECTROSENSITIVE
RECORDING PAPER AND QUEBRACHO EXTRACT

<i>Description of exported goods</i>	<i>New rate of drawback</i>	<i>Previous rate of drawback</i>
Electrosensitive recording paper in rolls of a width exceeding 8 ins.	A rate for each complete 100 ft. per roll of the exported paper calculated as follows:— Where the width of the paper— does not exceed 9 ins., 4½d. exceeds 9 ins. but does not exceed 11 ins., 5d. exceeds 11 ins. but does not exceed 18 ins., 6d. exceeds 18 ins., 10d.	A rate for each complete 100 ft. per roll of the exported paper calculated as follows:— Where the width of the paper— does not exceed 9 ins., 4d. exceeds 9 ins. but does not exceed 18 ins., 6½d. exceeds 18 ins., 9½d.
Quebracho extract, soluble, and either solid (including powder) or liquid containing not less than 35 per cent. by weight of tannin:		
1. Unmixed with other tanning extracts.	6s. 1d. per cwt. of soluble quebracho extract, if solid, or 3s. 0d. per cwt., if liquid.	5s. 1d. per cwt. of soluble quebracho extract, if solid, or 2s. 5d. per cwt., if liquid.
2. Blends with myrobalan extract, being blends in which not less than two-thirds by weight of the total tannins are derived from quebracho extract and the whole of the remainder from myrobalan extract.	4s. 0d. per cwt. of the blend, if solid, or 1s. 7d. per cwt., if liquid.	3s. 2d. per cwt. of the blend, if solid, or 1s. 4d. per cwt., if liquid.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for alterations to the rates of drawback of import duty on—

- (i) certain imported cellulose paper used in the manufacture of certain electrosensitive recording paper for export; and
- (ii) imported solid insoluble quebracho extract used in the manufacture of specified kinds of soluble quebracho extract for export.

1964 No. 1186

AFRICA

**The Basutoland, Bechuanaland and Swaziland (High
Commissioner) (Revocation) Order 1964**

<i>Made</i> - - - -	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the Basutoland, Bechuanaland and Swaziland (High Commissioner) (Revocation) Order 1964.

(2) This Order shall come into operation on 1st August 1964.

Revocation of Basutoland, Bechuanaland and Swaziland (High Commissioner) Order 1963.

2. The Basutoland, Bechuanaland and Swaziland (High Commissioner) Order 1963(b) is revoked.

W. G. Agnew.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Basutoland, Bechuanaland and Swaziland (High Commissioner) Order 1963.

 (a) 53 & 54 Vict. c. 37.

(b) S.I. 1963/1626 (1963 III, p. 3020).

1964 No. 1187

AFRICA

**The Basutoland, Bechuanaland Protectorate and Swaziland
Court of Appeal (Amendment) Order 1964**

<i>Made - - - -</i>	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal (Amendment) Order 1964 and shall be construed as one with the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal Order in Council 1954(b) (hereinafter called "the principal Order").

Citation,
construction
and com-
mencement.

(2) This Order and the principal Order may be cited together as the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal Orders 1954 and 1964.

(3) This Order shall come into operation on 1st August 1964.

2. Section 6 of the principal Order is amended as follows:—

Amendment
of section 6
of principal
Order.

(a) in subsection (1)(c) the words "the Secretary of State may" are substituted for the words "the High Commissioner may by instrument under his hand";

(b) in subsection (2) the words "the Secretary of State shall" are substituted for the words "the High Commissioner shall, by instrument under his hand";

(c) for the proviso to subsection (3) there is substituted the following proviso:—

" Provided that such a person—

(a) may at any time by notice in writing addressed to the Secretary of State resign his office; and

(b) shall vacate his office at the termination of such period, if any, for which he was appointed."

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1369 (1954 I, p. 167).

Amendment
of section 7
of principal
Order.

3. Section 7 of the principal Order is amended as follows:—

(a) in subsection (1) the references to the High Commissioner shall be construed as references to the Secretary of State, and the words "by instrument under his hand" are omitted;

(b) for subsection (2) there is substituted the following subsection:—

"(2) Any person appointed to act as President of the Court shall continue so to act until his appointment is revoked by the Secretary of State:

Provided that such a person may at any time, by notice in writing addressed to the Secretary of State, resign his acting office."

Amendment
of section 8
of principal
Order.

4. Section 8 of the principal Order is amended by the substitution of the words "the Secretary of State" for the words "the High Commissioner".

Replacement
of section 9
of principal
Order.

5. For section 9 of the principal Order there is substituted the following section:—

"Officers of the Court. 9.—(1) There shall be in each of the Territories a Registrar and such other Officers of the Court as may be appointed for the territory concerned in accordance with subsection (3) of this section.

(2) Every such officer shall be in the service of the territory for which he is appointed and, subject to any law or rules of court, shall exercise such powers and discharge such duties as the President of the Court may direct.

(3) Power to make appointments to the office of Registrar and other offices of the Court for each of the Territories and to exercise disciplinary control over persons holding or acting in such offices or to remove such persons from office shall vest in the Resident Commissioner for Basutoland, Her Majesty's Commissioner for Bechuanaland or Her Majesty's Commissioner for Swaziland, as the case may be.

(4) The power to make appointments to offices conferred by the last foregoing subsection shall be construed as including power to appoint a person to perform the functions of any such office during any period during which it is vacant or the holder thereof is unable for any reason to perform those functions."

Amendment
of section 15
of principal
Order.

6. For subsection (3) of section 15 of the principal Order there is substituted the following subsection:—

"(3) No Rule of Court which may involve an increase in the expenses of the Court shall be made except with the concurrence of the Resident Commissioner for Basutoland, Her Majesty's Commissioner for Bechuanaland and Her Majesty's Commissioner for Swaziland, respectively, but the validity of a Rule of Court shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule in which the concurrence of the said Commissioners was necessary and that they did not concur or are not expressed to have concurred in the making thereof."

7.—(1) Any person who, immediately before the commencement of this Order, holds or is acting in the office of President of the Court or other judge of the Court by virtue of having been appointed thereto by the High Commissioner under the principal Order shall, as from the commencement of this Order, be deemed to have been appointed to hold or to act in that office by the Secretary of State under the principal Order as amended by this Order. Transitional.

(2) Any person who, immediately before the commencement of this Order, holds or is acting in the office of Registrar or other Officer of the Court by virtue of having been appointed thereto in pursuance of section 9 of the principal Order shall as from the commencement of this Order be deemed to have been appointed to hold or to act in that office under the provisions of the principal Order as amended by this Order.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes the necessary amendments to the Basutoland, Bechuanaland Protectorate and Swaziland Court of Appeal Order in Council 1954 consequent upon the abolition of the office of High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland.

1964 No. 1188

AFRICA

**The Bechuanaland (Bamangwato Succession)
(Amendment) Order 1964**

<i>Made</i> -	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Bechuanaland (Bamangwato Succession) (Amendment) Order 1964 and shall be construed as one with the Bechuanaland Protectorate (Bamangwato Succession) Order in Council 1952(b) and the Bechuanaland (Bamangwato Succession) (Amendment) Order 1963(c) (which Order, as so amended, is herein-after referred to as “the principal Order”).

(2) This Order and the principal Order may be cited together as the Bechuanaland (Bamangwato Succession) Orders 1952 to 1964.

(3) This Order shall come into operation on 1st August 1964.

Construction
of Article 2(2)
of principal
Order.

2. The reference in Article 2(2) of the principal Order to the High Commissioner shall be construed as a reference to Her Majesty's Commissioner for Bechuanaland.

Construction
of Article 3
of principal
Order.

3. The powers conferred on the High Commissioner under Article 3 of the principal Order shall, as from the commencement of this Order, be exercised by Her Majesty's Commissioner for Bechuanaland.

W. G. Agnew.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1952/1031 (1952 I, p. 403).

(c) S.I. 1963/1627 (1963 III, p. 3025).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order confers on Her Majesty's Commissioner for Bechuanaland certain powers hitherto exercisable by the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland.

1964 No. 1189

AFRICA

**The Bechuanaland Protectorate (Constitution)
(Amendment) Order 1964**

<i>Made - - - -</i>	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Bechuanaland Protectorate (Constitution) (Amendment) Order 1964 and shall be construed as one with the Bechuanaland Protectorate (Constitution) Orders 1960 and 1963(b).

(2) This Order and the Bechuanaland Protectorate (Constitution) Orders 1960 and 1963 may be cited together as the Bechuanaland Protectorate (Constitution) Orders 1960 to 1964.

(3) This Order shall come into operation on 1st August 1964.

Amendment
of Order of
1960.

2. The Bechuanaland Protectorate (Constitution) Order in Council 1960(c) as amended by the Bechuanaland Protectorate (Constitution) (Amendment) Order 1963(d) (which Order, as so amended, is hereinafter called "the principal Order") is further amended as follows:—

(a) the words "and to the High Commissioner" are deleted from section 19(1);

(b) sections 40 and 75 are revoked.

Transitional.

3. Any office that was constituted for Bechuanaland by the High Commissioner under section 8 of the Basutoland, Bechuanaland Protectorate and Swaziland (High Commissioner) Order 1963(e) and is subsisting immediately before the commencement of this Order shall with effect from the commencement of this Order be deemed to have been constituted by the Commissioner under section 2F of the principal Order as amended by this Order; and any person who immediately before the commencement of this Order holds or is acting in any such office by virtue of having been appointed thereto by the High

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1960/2416, 1963/1628 (1960 I, p. 327;

1963 III, p. 3027).

(c) S.I. 1960/2416 (1960 I, p. 327).

(d) S.I. 1963/1628 (1963 III, p. 3027).

(e) S.I. 1963/1626 (1963 III, p. 3020).

Commissioner, under the said section 8 shall, as from the commencement of this Order, be deemed to have been appointed to that office by the Commissioner under the said section 2F.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes the necessary amendments to the Bechuanaland (Constitution) Order in Council 1960 consequent upon the abolition of the office of High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland.

1964 No. 1190

AFRICA

The Gambia (Constitution) (Amendment) Order 1964

<i>Made - - - -</i>	<i>27th July 1964</i>
<i>Laid before Parliament</i>	<i>31st July 1964</i>
<i>Coming into Operation</i>	<i>1st August 1964</i>

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts 1887 and 1945(a) and by the Foreign Jurisdiction Act 1890(b) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Gambia (Constitution) (Amendment) Order 1964 and shall be construed as one with the Gambia (Constitution) Order in Council 1962(c) which Order is hereinafter referred to as “the principal Order”.

(2) The Gambia (Constitution) Order in Council 1962 and the Gambia (Constitution) (Amendment) Order in Council 1963(d) and this Order may be cited together as the Gambia (Constitution) Orders 1962 to 1964.

(3) This Order shall come into operation on 1st August 1964.

Replacement
of section
65G of prin-
cipal Order.

2. Section 65G of the principal Order as set out in section 14 of the Gambia (Constitution) (Amendment) Order in Council 1963 is revoked and the following section substituted—

“Acting
judge.

65G.—(1) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office or if the Chief Justice advises the Governor that the state of business in the Supreme Court so requires, the Governor, acting in his discretion, may appoint a person to act as Chief Justice or as an additional judge of that Court:

Provided that any such person may act as judge of the Court notwithstanding that he has attained the age prescribed for the purposes of subsection (1) of the next following section.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(c) S.I. 1962/826 (1962 I, p. 876).

(b) 53 & 54 Vict. c. 37.
(d) S.I. 1963/1629 (1963 III, p. 3034).

(2) A person shall not be qualified for appointment to act as Chief Justice or as an additional judge of the Supreme Court unless—

- (a) he is qualified for appointment as Chief Justice ; or
- (b) he has held judicial office in some part of the Commonwealth or the Republic of Ireland for a period of not less than seven years.

(3) Any person appointed under subsection (1) of this section to act as a judge of the Court shall, subject to the provisions of section 65H of this Order, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor acting in his discretion:

Provided that, notwithstanding the expiration of the period of his appointment, he may thereafter continue to act as a judge of the Court for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.”.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the qualifications for the appointment of a person to act as Chief Justice or as an additional Judge of the Supreme Court of the Gambia.

1964 No. 1191

AFRICA

The Northern Rhodesia (Constitution) (Amendment No. 2) Order 1964

<i>Made - - - -</i>	27th July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	31st July 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Northern Rhodesia (Constitution) (Amendment No. 2) Order 1964 and this Order and the Northern Rhodesia (Constitution) Orders in Council 1963 and 1964(b) may be cited together as the Northern Rhodesia (Constitution) Orders in Council 1963 to 1964.

(2) This Order shall be construed as one with the Northern Rhodesia (Constitution) Order in Council 1963(c) (hereinafter called "the principal Order").

(3) This Order shall come into operation on 31st July 1964.

Amendment of s. 4 of Order of 1963.

2. Section 4 of the principal Order is amended by the deletion of paragraph (b) of the proviso.

Revocation of s. 15 of Order of 1963.

3. Section 15 of the principal Order is revoked.

Amendment of ss. 22 and 57 of Constitution.

4. Sections 22 and 57 of the Constitution are amended by the deletion of the words "the Consolidated Fund" wherever they occur and the substitution of the words "the general revenues of Northern Rhodesia".

Amendment of s. 25 of Constitution.

5. Section 25 of the Constitution is amended by the insertion, immediately after the word "Governor", of the words "and Commander in Chief".

Revocation of ss. 92 to 96 of Constitution.

6. Sections 92, 93, 94, 95 and 96 of the Constitution are revoked.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1963/2088, 1964/919 (1963 III, p. 4532; 1964 II, p. 2046). (c) S.I. 1963/2088 (1963 III, p. 4532).

7.—(1) Sections 97, 98(1) and 110(4) of the Constitution are amended by the deletion of the words “the Consolidated Fund” wherever they occur and the substitution of the words “the general revenues of Northern Rhodesia”.

Amendment
of ss. 97, 98
and 110 of
Constitution.

(2) Section 98(2) is amended by the deletion of the words “or the Consolidated Fund”.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the provisions of the Northern Rhodesia (Constitution) Order in Council 1963 relating to the establishment of a Consolidated Fund. It also restores the title of “Commander in Chief” to the Governor.

1964 No. 1192

AFRICA

The Swaziland (Amendment) Order 1964*Made* - - - - - 27th July 1964*Laid before Parliament* 31st July 1964*Coming into Operation* 1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Swaziland (Amendment) Order 1964 and shall be construed as one with the Swaziland Order in Council 1963(b).

(2) This Order and the Swaziland Order in Council 1963 may be cited together as the Swaziland Orders 1963 and 1964.

(3) This Order shall come into operation on 1st August 1964.

Amendment
of section 66
of Swaziland
Order in
Council 1963.

2. The words "High Commissioner or the" are deleted from section 66 of the Swaziland Order in Council 1963.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes the necessary amendments to the Swaziland Order in Council 1963 consequent upon the abolition of the office of High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1963/2094 (1963 III, p. 4616).

 STATUTORY INSTRUMENTS

1964 No. 1193

**CARIBBEAN AND NORTH ATLANTIC
TERRITORIES**
**The British Guiana (United Kingdom Forces)
Order 1964**

Made - - - - - 27th July 1964

Coming into Operation 27th July 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (hereinafter called "the principal Order") is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the British Guiana (United Kingdom Forces) Order 1964.

Citation and interpretation.

(2) The provisions of article 115 of the Constitution set out in the Annex to the principal Order (hereinafter called "the Constitution") shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting the principal Order.

2.—(1) If in his opinion it is desirable that any of Her Majesty's forces in British Guiana should be made available to assist the civil authorities in British Guiana in the maintenance of public safety and public order, the Governor may, if he shall think fit, authorize the officer commanding any such force to make that force or any part thereof available for that purpose.

H.M. forces in British Guiana.

(2) Any assistance given by any of Her Majesty's forces to the civil authorities in British Guiana shall be subject to such terms and conditions (if any) as may be prescribed by the Governor by directions in writing under his hand.

(3) No civil or criminal proceedings shall be instituted in any court in British Guiana (other than a court martial) in respect of anything done or omitted by any member of Her Majesty's forces in the course of giving assistance to the civil authorities in British Guiana unless the Governor has first signified his consent by writing under his hand.

(4) If in his opinion any proceedings have been instituted in any court in British Guiana in contravention of subsection (3) of this section, the Governor may give notice to that effect to the court by writing under his hand, whereupon those proceedings shall forthwith be discontinued and any judgment or order given or made therein shall be of no effect.

(a) 18 & 19 Geo. 5. c. 5.

(b) S.I. 1961/1188 (1961 II, p. 2152).

(5) In this section "Her Majesty's forces" means Her Majesty's naval, military and air forces but does not include a force raised under a law enacted by any legislature in British Guiana.

Governor's
powers.

3. The powers of the Governor under this Order shall be exercisable by him in his discretion.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order contains provisions relating to the giving of assistance by the armed forces to the civil authorities in the maintenance of public safety and public order in British Guiana.

1964 No. 1194

COPYRIGHT

**The Copyright (International Conventions) (Amendment)
Order 1964**

<i>Made</i>	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	14th August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. The Copyright (International Conventions) Order 1964(b) (hereinafter called "the principal Order") shall be amended—

- (i) by the inclusion of Czechoslovakia among the countries mentioned in Schedule 3 thereto (being the countries in whose case copyright in sound recordings includes the exclusive right of public performance and broadcasting); and
- (ii) by the inclusion of Czechoslovakia among the countries mentioned in Schedules 5 and 6 thereto (being the countries whose broadcasting organisations are afforded copyright protection in the United Kingdom in relation to their sound and television broadcasts respectively) and of related references to 14th August 1964 in the lists of dates in those two Schedules.

2. The provisions of this Order other than Article 1(ii) shall extend to all countries mentioned in column 1 of Part I of Schedule 4 to the principal Order.

3. This Order may be cited as the Copyright (International Conventions) (Amendment) Order 1964, and shall come into operation on 14th August 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Copyright (International Conventions) Order 1964 to take account of the accession of Czechoslovakia to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

It extends the copyright in sound recordings originating in Czechoslovakia to include the exclusive right of public performance and broadcasting and affords Czech broadcasting organisations copyright protection in respect of their sound and television broadcasts.

The change in relation to sound recordings extends to dependent countries of the Commonwealth where the Copyright Act 1956 is law.

 STATUTORY INSTRUMENTS

1964 No. 1195

DANGEROUS DRUGS**The Dangerous Drugs Act 1964 (Modification) Order 1964**

Made 27th July 1964
 Coming into Operation 20th August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that decisions of the World Health Organisation to apply to the substances fentanyl and norpipanone measures of control applicable under the Single Convention on Narcotic Drugs signed at New York on 30th March 1961 to substances specified in Schedule 1 thereto require the addition of those substances to Part I of Schedule 1 to the Dangerous Drugs Act 1964(a):

Now, therefore, Her Majesty, in pursuance of the powers conferred on Her by section 2 of the Dangerous Drugs Act 1964 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. In Schedule 1 to the Dangerous Drugs Act 1964 (which specifies substances dealings in which are to be subject to control under Part III of the Dangerous Drugs Act 1951(b)) in paragraph 1 in Part I, after the substance "Etoxidine" there shall be inserted the substance "Fentanyl" and after the substance "Normorphine" there shall be inserted the substance "Norpipanone".

2. This Order may be cited as the Dangerous Drugs Act 1964 (Modification) Order 1964 and shall come into operation on 20th August 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under this Order the substances fentanyl and norpipanone are subjected to control under Part III of the Dangerous Drugs Act 1951.

(a) 1964 c. 36.

(b) 14 & 15 Geo. 6. c. 48.

1964 No. 1196

PATENTS

DESIGNS

TRADE MARKS

**The Patents Etc. (Trinidad and Tobago) (Convention)
Order 1964**

Made - - - - - 27th July 1964

Coming into Operation 1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 68 and 95 of the Patents Act 1949(a), sections 13 and 37 of the Registered Designs Act 1949(b), and sections 88 and 91A of the Patents and Designs Act 1907(c), as amended(d), by and with the advice of Her Privy Council, is pleased to declare, and it is hereby declared, as follows:—

1. Trinidad and Tobago is a Convention country for all the purposes of the said Acts and for the purposes of this Order "Trinidad and Tobago" has the meaning assigned to it in section 4 of the Trinidad and Tobago Independence Act 1962(e).

2. The Patents &c. (Convention Countries) (No. 2) Order 1938(f) shall have effect as if there were omitted therefrom all references to Trinidad and Tobago.

3. The Interpretation Act 1889(g) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order therein mentioned were Acts of Parliament.

4. This Order may be cited as the Patents Etc. (Trinidad and Tobago) (Convention) Order 1964 and shall come into operation on 1st August 1964.

W. G. Agnew.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 12, 13 & 14 Geo. 6. c. 88. (c) 7 Edw. 7. c. 29.
 (d) The relevant amending Statutes are 1 & 2 Geo. 6. c. 29 and 12, 13 & 14 Geo. 6. c. 62.
 (e) 10 & 11 Eliz. 2. c. 54. (f) S.R. & O. 1938/768 (Rev. XVII, p. 45; 1938 II, p. 2770).
 (g) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Government of Trinidad and Tobago has given formal notice of its accession in its own right to the International Convention for the Protection of Industrial Property (as revised in Lisbon in 1958). Trinidad and Tobago was previously a Convention country as a British colony.

This Order discharges the Convention obligations of the United Kingdom, which is a party to the Convention, by declaring Trinidad and Tobago to be a Convention country for all the purposes of the Acts relating to Patents, Designs and Trade Marks.

1964 No. 1197

FOREIGN COMPENSATION

The Foreign Compensation (Union of Soviet Socialist Republics) (Registration) (Amendment) Order 1964

<i>Made</i> - - - - -	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	4th August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Section 3 of the Foreign Compensation Act 1950(a) (hereinafter referred to as "the Act") Her Majesty is authorised, if Her Majesty's Government in the United Kingdom enter into or contemplate an agreement with the Government of any foreign country providing for the payment of compensation by the latter Government, to make provision by Order in Council for the registration by the Foreign Compensation Commission (hereinafter referred to as "the Commission") of claims to participate in such compensation, and for the making of reports by the Commission with respect to such claims :

And Whereas such provision was made by the Foreign Compensation (Union of Soviet Socialist Republics) (Registration) Order 1959(b) (hereinafter referred to as "the principal Order"):

And Whereas it is now deemed expedient to amend the principal Order :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :

1. There shall be inserted after Article 4 of the principal Order the following new Article which shall be numbered 4A :—

"An application shall not be entertained under this Order unless it has reached the Commission on or before 30th October 1964."

2. This Order shall come into operation on 4th August 1964 and may be cited as the Foreign Compensation (Union of Soviet Socialist Republics) (Registration) (Amendment) Order 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but it is intended to indicate its general purport.)

This Order amends the Foreign Compensation (Union of Soviet Socialist Republics) (Registration) Order 1959 by fixing a final date for making applications under the Order.

(a) 14 Geo. 6. c. 12.

(b) S.I. 1959/1968 (1959 I, p. 1407).

 STATUTORY INSTRUMENTS

1964 No. 1198

FUGITIVE CRIMINAL

The Fugitive Offenders (Bechuanaland, Gambia, Northern Rhodesia and Swaziland) Order 1964

Made - - - - 27th July 1964
Laid before Parliament 31st July 1964
Coming into Operation 1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by section 36 of the Fugitive Offenders Act 1881(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Fugitive Offenders (Bechuanaland, Gambia, Northern Rhodesia and Swaziland) Order 1964 and shall come into operation on 1st August 1964. Citation, commencement and interpretation.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the interpretation of this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to an Act of Parliament.

2. The Fugitive Offenders Act 1881 shall apply as if the following territories were British possessions, that is to say— Application of Act of 1881.

- (a) the Bechuanaland Protectorate ;
- (b) the Gambia Protectorate ;
- (c) Northern Rhodesia ;
- (d) Swaziland.

3. The jurisdiction under Part I of the Fugitive Offenders Act 1881 to hear a case and commit a fugitive to prison to await his return may be exercised in the Bechuanaland Protectorate, Northern Rhodesia and Swaziland by any person therein having authority to issue a warrant for the apprehension of persons accused of crime and to commit such persons for trial. Exercise of jurisdiction.

4. The South Africa Fugitive Offenders Order in Council 1913(c) and the West African (Fugitive Offenders) Order in Council 1923(d) are revoked. Revocation.

W. G. Agnew.

(a) 44 & 45 Vict. c. 69. (b) 52 & 53 Vict. c. 63.
 (c) S.R. & O. 1913/323 (Rev. IX, p. 529: 1913, p. 287).
 (d) S.R. & O. 1924/596 (Rev. IX, p. 532: 1924, p. 467).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes fresh provision for the application of the Fugitive Offenders Act 1881 to the Bechuanaland Protectorate, the Gambia Protectorate, Northern Rhodesia and Swaziland.

 STATUTORY INSTRUMENTS

1964 No. 1199

OVERSEAS TERRITORIES

The Emergency Powers (Amendment No. 2) Order in Council 1964

<i>Made - - - -</i>	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by the Foreign Jurisdiction Act 1890(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Emergency Powers (Amendment No. 2) Order in Council 1964.

Citation,
construction
and
commence-
ment.

(2) This Order shall be construed as one with the Emergency Powers Order in Council 1939(b) (which Order as amended(c) is hereinafter referred to as "the principal Order") and shall be included among the Orders that may be cited as the Emergency Powers Orders in Council 1939(b) to 1964(d).

(3) This Order shall come into operation on 1st August 1964.

2. Subsection (1) of section 2 of the principal Order is amended by the substitution of the following paragraph for paragraph (d):—

Amendment
of s. 2 of
Order of
1939.

"(d) in relation to Basutoland, the Resident Commissioner for Basutoland, and in relation to the Bechuanaland Protectorate or Swaziland, Her Majesty's Commissioner for that territory;".

3. The First Schedule to the principal Order is amended by the deletion therefrom of the references to the Nyasaland Protectorate.

Amendment
of First
Schedule to
Order of
1939.

W. G. Agnew.

(a) 53 & 54 Vict. c. 37.

(b) See S.I. 1952 I, at p. 621.

(c) The relevant amending instruments are S.I. 1963/88, 1633, 1964/267 (1963 I, p. 105; III, p. 3084; 1964 I, p. 467).

(d) S.I. 1956/731, 1963/88, 1633, 1964/267 (1956 I, p. 512; 1963 I, p. 105; III, p. 3084; 1964 I, p. 467).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the definition of "Governor" in the Emergency Powers Order in Council 1939, as amended, in relation to Basutoland. The First Schedule to that Order is also amended.

 STATUTORY INSTRUMENTS

1964 No. 1200

REPUBLIC OF IRELAND

**The Republic of Ireland (Consequential Adaptation
of Enactment) Order 1964**

<i>Made</i> - - - -	27th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 6 of the Irish Free State (Consequential Provisions) Act 1922 (Session 2)(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. Section 27 of the Petty Sessions (Ireland) Act 1851(b) (which makes provision for enabling a warrant issued in Ireland against a person to be executed in England, Wales, Scotland, the Isle of Man or the Channel Islands) shall apply to a warrant issued by a court, judge of a court or justice of a court in the Republic of Ireland and transmitted to the Commissioner of the Garda Síochána of that Republic with the substitution, in paragraph 3,—

- (a) for the words from "it shall be lawful" to "to indorse the warrant", of the words "it shall be lawful for the Commissioner or a Deputy Commissioner or an Assistant Commissioner of the Garda Síochána of the Republic of Ireland to indorse the warrant"; and
- (b) for the words from "upon proof on oath" to "shall have been indorsed", of the words "upon proof on oath of the handwriting either of the Commissioner or Deputy Commissioner or Assistant Commissioner by whom the same shall have been indorsed".

2.—(1) This Order may be cited as the Republic of Ireland (Consequential Adaptation of Enactment) Order 1964.

(2) This Order shall come into operation on 1st August 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 27(3) of the Petty Sessions (Ireland) Act 1851 enables warrants issued in the Irish Republic to be endorsed and executed in Great Britain, the Channel Islands or the Isle of Man if transmitted to, and endorsed by, certain specified Irish police officers. The officers specified in the section became inappropriate as a consequence of the establishment of the Irish Free State, and this Order adapts the section by substituting a reference to the chief officer or deputy or assistant chief officer of the police force of the Irish Republic.

STATUTORY INSTRUMENTS

1964 No. 1201

SUMMER TIME

The Summer Time Order 1964

Laid before Parliament in draft

Made - - - - 27th July 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1(2) of the Summer Time Act 1947^(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Summer Time Order 1964.
2. The period of summer time for the purposes of the Summer Time Acts 1922 and 1925^(b) shall be—
 - (a) in relation to the year 1965, the period beginning at two o'clock, Greenwich mean time, in the morning of 21st March and ending at two o'clock, Greenwich mean time, in the morning of 24th October;
 - (b) in relation to the year 1966, the period beginning at two o'clock, Greenwich mean time, in the morning of 20th March and ending at two o'clock, Greenwich mean time, in the morning of 23rd October; and
 - (c) in relation to the year 1967, the period beginning at two o'clock, Greenwich mean time, in the morning of 19th March and ending at two o'clock, Greenwich mean time, in the morning of 29th October.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under this Order the period of summer time in the year 1965 will extend from 21st March to 24th October, in the year 1966 from 20th March to 23rd October and in the year 1967 from 19th March to 29th October.

^(a) 10 & 11 Geo. 6. c. 16.

^(b) 12 & 13 Geo. 5. c. 22 and 15 & 16 Geo. 5. c. 64.

1964 No. 1202

TELEVISION

The Television Act 1964 (Channel Islands) Order 1964

Made - - - - - 27th July 1964

Coming into Operation 31st July 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 30(3) of the Television Act 1964(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Television Act 1964 shall extend to the Channel Islands subject to the adaptations and modifications specified in the Schedule to this Order.

2. In this Order the expression "Channel Islands" means Jersey and Guernsey and the expressions "Jersey" and "Guernsey" mean the Bailiwicks of Jersey and Guernsey, respectively, and the territorial waters adjacent thereto.

3. The Television Act 1954 (Channel Islands) Order 1961(b) is hereby revoked.

4. The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

5. This Order may be cited as the Television Act 1964 (Channel Islands) Order 1964 and shall come into operation on 31st July 1964.

W. G. Agnew.

SCHEDULE

1. Any reference to the Television Act 1964 shall be construed as a reference to that Act as extended to the Channel Islands by this Order; any reference to the Wireless Telegraphy Act 1949(d) shall be construed as a reference to that Act as extended to the Channel Islands by the Wireless Telegraphy (Channel Islands) Order 1952(e); and any reference to the Television Act 1954(f) shall be construed as a reference to that Act as extended to the Channel Islands by the Television Act 1954 (Channel Islands) Order 1961.

2. In section 2(6) the reference to the Telegraph Act 1869(g) shall be construed as a reference to that Act as extended to the Channel Islands by the Telegraph Act 1870(h).

3. In section 3(6) the words following "cinematograph film" shall be omitted.

(a) 1964 c. 21. (b) S.I. 1961/2039 (1961 III, p. 3725). (c) 52 & 53 Vict. c. 63.
 (d) 12, 13 & 14 Geo. 6. c. 54. (e) S.I. 1952/1900 (1952 III, p. 3414). (f) 2 & 3 Eliz. 2. c. 55.
 (g) 32 & 33 Vict. c. 73. (h) 33 & 34 Vict. c. 88.

4. After section 7(9) there shall be inserted the following subsections:—

“(10) Any regulations made by the Postmaster General under this section shall not have effect in Jersey or Guernsey until registered by the Royal Court of Jersey or the Royal Court of Guernsey, as the case may be.

(11) In relation to any television broadcasting station in the Channel Islands, the reference in subsection (7)(e) of this section to a Minister of the Crown shall include references to the Lieutenant-Governors of Jersey and Guernsey and the Bailiffs of Jersey and Guernsey.”.

5. For section 13 there shall be substituted the following section:—

“13. The contracts between the Authority and the various programme contractors shall provide for payments to be made by the programme contractors to the Authority representing what appear to the Authority to be the appropriate contributions of the respective programme contractors towards meeting the sums which the Authority regard as necessary in order to discharge their duty under section 21(1) of this Act.”.

6. Section 14 shall be omitted.

7. For section 16(3) there shall be substituted the following subsection:—

“(3) The references in this section to the House of Commons, Government departments, the Minister of Labour and the industrial court shall be construed—

(a) in relation to employment in Jersey, as references to the States of Jersey, Committees of the States of Jersey, the Industrial Disputes Officer appointed under the Industrial Disputes (Jersey) Law 1956, as amended from time to time, and the Industrial Disputes Tribunal constituted under that Law; and

(b) in relation to employment in Guernsey, as references to the States of Guernsey, Committees of the States of Guernsey, the Industrial Disputes Officer appointed under the Industrial Disputes and Conditions of Employment Law (1947), as amended from time to time, and the Industrial Disputes Tribunal constituted under that Law.”.

8. Section 18(6) shall be omitted and for section 18(8) there shall be substituted the following subsection:—

“(8) In relation to any television broadcasting station in the Channel Islands, the reference in subsection (1) of this section to a Minister of the Crown shall include references to the Lieutenant-Governors of Jersey and Guernsey and the Bailiffs of Jersey and Guernsey.”.

9. After section 19(3) there shall be inserted the following subsection:—

“(4) Any regulations made by the Postmaster General under this section shall not have effect in Jersey or Guernsey until registered by the Royal Court of Jersey or the Royal Court of Guernsey, as the case may be.”.

10. For section 23(3) there shall be substituted the following subsection:—

“(3) The reference in subsection (2) of this section to the Minister of Labour shall be construed, in relation to any agreement affecting employment—

(a) in Jersey, as including a reference to the Industrial Disputes Officer appointed under the Industrial Disputes (Jersey) Law 1956, as amended from time to time; and

(b) in Guernsey, as including a reference to the Labour and Welfare Committee of the States of Guernsey.”.

11.—(1) For section 29(1) there shall be substituted the following subsection:—

“(1) The Television Act 1954 is hereby repealed.”.

(2) In section 29(2) the words “as extended by the Television Act 1963” and “or the Television Act 1963” shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order extends the provisions of the Television Act 1964 to the Channel Islands with the necessary modifications.

1964 No. 1203

PROFESSIONS SUPPLEMENTARY TO MEDICINE**The Professions Supplementary to Medicine (Disciplinary Committees) (Procedure) Rules Order of Council 1964**

Made - - - - 27th July 1964

At the Council Chamber, Whitehall, the 27th day of July 1964

By the Lords of Her Majesty's Most Honourable
Privy Council

Whereas in pursuance of paragraph 3(1) of Schedule 2 to the Professions Supplementary to Medicine Act 1960^(a) the Council for Professions Supplementary to Medicine has made Rules entitled "The Disciplinary Committees (Procedure) Rules 1964":

And whereas by paragraph 3(4) of the said Schedule 2 such Rules shall not come into force until confirmed by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are hereby pleased to confirm the same as set out in the Schedule to this Order.

This Order may be cited as the Professions Supplementary to Medicine (Disciplinary Committees) (Procedure) Rules Order of Council 1964.

W. G. Agnew.

SCHEDULE

THE DISCIPLINARY COMMITTEES (PROCEDURE) RULES 1964

The Council for Professions Supplementary to Medicine, in exercise of its powers under paragraph 3(1) of Schedule 2 to the Professions Supplementary to Medicine Act 1960 and after consultation with the Boards in accordance with paragraph 3(3) of the said Schedule hereby makes the following Rules:—

PART I. PRELIMINARY: CITATION AND INTERPRETATION

1. These Rules may be cited as the Disciplinary Committees (Procedure) Rules 1964.

2.—(1) In these Rules, unless the context otherwise requires:—

“the Act” means the Professions Supplementary to Medicine Act 1960;

“Board” means a Board constituted in accordance with the provisions of the Act;

“case relating to conduct” means a case which has been referred by an investigating committee to a Committee where it is alleged that the respondent has been guilty of infamous conduct in a professional respect;

“case relating to conviction” means a case which has been referred by an investigating committee to a Committee where it is alleged that the respondent has been convicted by any court in the United Kingdom of a criminal offence;

“case relating to a fraudulent entry” means a case which has been referred by an investigating committee to a Committee where it is alleged that the name of a person has been fraudulently entered on a register maintained by a Board;

“Chairman” has the meaning assigned to it in Rule 3 of these Rules;

“Committee” means a disciplinary committee set up by a Board in pursuance of section 8(1) of the Act;

“complainant” means any person by whom a complaint has been made to the Council for Professions Supplementary to Medicine or to a Board in a case relating to conduct, a case relating to conviction, or a case relating to fraudulent entry;

“Investigating Committee” means the committee set up by a Board in pursuance of section 8(1) of the Act;

“legal assessor” means an assessor appointed by the Council for Professions Supplementary to Medicine, or by a disciplinary committee in pursuance of paragraph 4(2) of Schedule 2 to the Act;

“party” in relation to proceedings before a Committee means—

(a) in any case the respondent and the complainant (if any) provided that the complainant shall not be deemed to be a party to any proceeding if he takes part therein only as a witness; and

(b) in a case relating to a fraudulent entry, any person who is alleged to have been a party to the alleged fraud;

“register” means a register maintained by a board under section 2 of the Act;

“respondent”

(a) in relation to a case relating to conduct or to conviction means the person against whom the allegation is made; and

(b) in a case relating to fraudulent entry, means the person whose name it is alleged is fraudulently entered in the register;

“Solicitor” means the Solicitor nominated by a Board to act as its Solicitor for the purposes of these Rules.

(2) For the purposes of these Rules a reference, in relation to a case, to the Committee or the Solicitor shall be construed as a reference to the Committee of the Board by which the respondent in the case is registered or to the Solicitor nominated by the Board.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. *Chairman*

At any meeting of the Committee the Chairman of the Committee shall be the Chairman of the Board or, in his absence, such member of the Committee as the Committee may choose.

PART II. CASES RELATING TO CONDUCT AND CASES RELATING TO CONVICTION

Application of Rules

The provisions of this Part and Part V of these Rules shall have effect where a case relating to conduct or a case relating to conviction is referred to the Committee.

4. *Notice of Inquiry*

(1) The Solicitor shall, as soon as may be after a case has been referred to the Committee by the Investigating Committee, serve upon the respondent a notice of inquiry as nearly as may be in the form set out in the Appendix to these Rules specifying the matters alleged against the respondent in the form of a charge or charges, and stating the day, time and place at which the Committee will hold an inquiry into these matters, together with a copy of these Rules, by post in a registered letter addressed to the respondent in accordance with the provisions of subsection (2) of section 13 of the Act.

(2) If there is a complainant, the Solicitor shall send him a copy of the notice of inquiry and a copy of these Rules.

(3) The Committee shall not hold an inquiry unless a notice of inquiry has been served upon the respondent in accordance with the foregoing provisions of this Rule, provided always that where the respondent does not appear the Chairman shall call upon the Solicitor to satisfy the Committee that the Notice of Inquiry has been received by the respondent. If it does not appear to have been so received, the Committee may nevertheless proceed with the inquiry, if they are satisfied that all practical steps have been taken to serve the notice and that the substance of the matters alleged therein against the respondent and the likelihood of an inquiry resulting therefrom are well known to him.

(4) Except with the agreement of the respondent, the inquiry shall not be held on any day earlier than twenty-eight days after the date of posting the notice of inquiry.

5. *Postponement or Cancellation of Inquiry.*

(1) The Chairman, of his own motion or upon the application of any party thereto, may postpone the hearing of an inquiry, or may refer the matter to the Investigating Committee for further consideration as to whether an inquiry should be held.

(2) Where before the inquiry opens it appears to the Chairman, or at any stage of the proceedings it appears to the Committee, that a notice of inquiry is defective, he or they shall cause the notice to be amended, unless it appears to him or them that the required amendment cannot be made without injustice, or, if he or they consider that the circumstances in which an amendment is made require it, may direct that the amended notice shall be served on the respondent, and that the inquiry shall be postponed.

(3) The Solicitor shall, as soon as may be, give to all parties to whom a notice of inquiry has been sent notification of any decision to postpone or not to hold an inquiry, informing them of the date fixed for the hearing of a postponed inquiry.

6. *Access to Documents.*

Upon application by any party to the inquiry the Solicitor shall send to that party a copy of any statutory declaration, complaint, answer, admission, explanation or other similar document sent to the Board by any party to the inquiry.

7. *The Reading of the Charge.*

(1) The charge shall be read in the presence of the respondent, and of the complainant if one appears: Provided that if the respondent does not appear but the Committee nevertheless decide that the inquiry shall proceed the charge shall be read in his absence.

(2) As soon as the charge has been read the respondent may, if he so desires, object to the charge, or to any part of it, in point of law, and the complainant or if no complainant appears the Solicitor may reply to any such objection; and, if any such objection is upheld, no further proceedings shall be taken on that charge or on that part of the charge to which the objection relates.

8. *Proof of the facts alleged in cases relating to conviction.*

(1) In cases relating to conviction, the following order of proceedings shall be observed concerning proof of facts alleged in the charge or charges:—

(a) If the respondent appears, the Chairman shall ask him as to every conviction alleged in the charge or charges, whether he admits it.

(b) The complainant, or if no complainant appears the Solicitor

(i) if the respondent has not appeared, or has not admitted every conviction alleged, shall adduce evidence of any conviction not admitted, and

(ii) shall, whether the conviction alleged is admitted or not, address the Committee, and may adduce evidence, with regard to the nature and circumstances of the offence, to show that if the convictions alleged are proved or admitted the respondent is unfit by reason thereof to have his name on the register.

(c) If no evidence is adduced concerning any particular conviction which has not been admitted by the respondent, the Chairman shall thereupon announce that the charge in relation to that conviction has not been proved.

(2) (a) Where the respondent appears, he may then adduce evidence concerning any conviction which he has not admitted, on the question whether he was convicted as alleged, and may address the Committee on that question.

(b) The respondent may also address the Committee, and adduce evidence with regard to the nature and circumstances of the offence, to show that he is not unfit by reason thereof to have his name on the register.

(c) Except with the leave of the Committee, only one address may be made under this paragraph, and where the respondent adduces evidence that address shall be made either before that evidence is begun, or after it is concluded.

(d) Where evidence is adduced under this paragraph, the complainant, or if no complainant appears the Solicitor, may adduce evidence to rebut such evidence.

(3) On the conclusion of proceedings under the foregoing paragraphs of this Rule the Committee shall consider whether the facts alleged in the charge or charges have been proved, and shall determine whether the respondent has been convicted of an offence to which paragraph (a) of subsection (1) of section 9 of the Act applies. The Committee shall then record, and the Chairman shall announce, their findings.

9. *Proof of the facts alleged in cases relating to conduct.*

(1) In cases relating to conduct the following order of proceedings shall be observed concerning proof of the facts alleged in the charge or charges:—

(a) If the respondent appears, the Chairman shall ask him concerning each fact alleged in the charge or charges, whether he admits it.

- (b) The complainant, or if no complainant appears the Solicitor,
- (i) if the respondent does not appear, or has not admitted all the facts alleged in the charge or charges, shall adduce evidence of the facts not admitted, and
 - (ii) whether the facts alleged are admitted or not, shall address the Committee to show that if such facts are proved the respondent is by reason thereof unfit to have his name on the register.
- (c) If no evidence is adduced concerning any particular charge on which there has been no admission of fact by the respondent, the Committee shall record a finding on this charge in favour of the respondent, and the Chairman shall announce their findings in the appropriate terms.

(2) (a) At the close of the case against him, the respondent may, if he so desires, make either or both of the following submissions to any charge concerning which evidence has been adduced, namely

- (i) that no sufficient evidence has been adduced upon which the Committee could find that all or any of the facts alleged in the charge have been proved,
- (ii) that the facts alleged in the charge are not such as to constitute infamous conduct in a professional respect.

Where any such submission is made, the complainant, or if no complainant appears the Solicitor, may reply thereto.

(b) If a submission is made under the last foregoing sub-paragraph in respect of any charge, the Committee shall consider and determine whether it should be upheld, and shall record, and the Chairman shall announce, their finding in the appropriate terms.

(c) the respondent may adduce evidence in answer to any charge concerning which evidence has been adduced and, whether he adduces evidence or not, may address the Committee.

(d) At the close of the case for the respondent the complainant, or if no complainant appears the Solicitor, may with the leave of the Committee adduce evidence to rebut any evidence adduced by the respondent; and if he does so, the respondent may make a further address limited to the rebutting evidence.

(e) The complainant, or if no complainant appears the Solicitor, may address the Committee by way of reply to the respondent's case either:

- (i) if oral evidence (not being evidence as to character) other than that of the respondent himself has been given on the respondent's behalf, or
- (ii) with the leave of the Committee, where no such evidence has been given.

(f) At the conclusion of the complainant's or the solicitor's address the respondent may address the Committee by way of final reply.

(g) Without prejudice to the last foregoing sub-paragraph, if the respondent has made a submission to the Committee on a point of law the complainant, or if no complainant appears the Solicitor, shall have the right of reply limited to that submission.

(3) On the conclusion of proceedings as aforesaid the Committee shall consider and determine as respects each charge which remains outstanding whether the facts alleged therein have been proved to their satisfaction and shall record, and the Chairman shall announce, their findings in the appropriate terms.

(4) If the Committee record, and the Chairman announces, a finding under this Rule in favour of the respondent, the appropriate terms thereof shall be, that in respect of the matters to which the charge relates the respondent is not guilty of infamous conduct in a professional respect.

(5) If the Committee record, and the Chairman announces, a finding under this Rule against the respondent, the appropriate terms thereof shall be:—

That in respect of the matters to which the charge relates the respondent is guilty of infamous conduct in a professional respect.

10. Procedure upon proof of the facts alleged

(1) Where the Committee have found in a case relating to conviction that the facts alleged in a charge have been proved, the Chairman shall invite the complainant, or if no complainant appears the Solicitor, to address the Committee and to adduce evidence as to the circumstances leading up to the conviction and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(2) Where in a case relating to conduct the Committee have recorded a finding against the respondent, the Chairman shall invite the complainant, or if no complainant appears the Solicitor, to address the Committee and to adduce evidence as to circumstances leading up to the facts found proved and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(3) The Committee shall next consider and determine whether they should postpone judgment.

(4) If the Committee determine to postpone judgment, the judgment of the Committee shall stand postponed for a period not exceeding 2 years; and the Chairman shall announce their determination in such terms as the Committee may approve.

(5) If the Committee determine not to postpone judgment, they shall determine whether by reason of their finding against the respondent the Registrar shall be directed to remove the name of the respondent from the register, and the Chairman shall announce their determination in such terms as they may approve.

11. Procedure in cases falling under both Rule 8 and Rule 9

Where the charges against the respondent fall within the provisions both of Rule 8 and of Rule 9, the Committee shall proceed upon the charge or charges of each kind separately under Rule 8 of these Rules where the charge relates to a conviction or under Rule 9 of these Rules where the charge relates to conduct and shall then proceed under so much of Rule 10 of these Rules as may be applicable either upon the charge or charges of each kind separately or upon the charges of all kinds concurrently, as the circumstances of the case may require.

12. Procedure upon postponement of judgment

(1) Where under the foregoing provisions of these Rules the judgment of the Committee in any case stands postponed, the following shall be the procedure:

- (a) The Solicitor shall, not later than six weeks before the day fixed for the resumption of the proceedings, send to the respondent a notice which shall
- (i) specify the day, time and place at which the proceedings are to be resumed and invite him to appear thereat,
 - (ii) unless the Chairman otherwise directs, invite the respondent to furnish the Registrar with the names and addresses of persons to whom reference may be made confidentially or otherwise concerning his character and conduct, and
 - (iii) invite the respondent to send to the Solicitor, not less than three weeks before the day fixed for the resumption of proceedings, a copy of any statement or statutory declaration, whether made by the respondent or not, relating to his conduct or other matters since the hearing of his case or setting out any material facts which have arisen since that hearing.
- (b) A copy of the notice and of any statement or statutory declaration sent in accordance with the provisions of the last foregoing sub-paragraph shall be sent to the complainant, if any, if he is a party to the proceedings, and

he may in turn, if he so desires, send to the Solicitor a statement or statutory declaration, whether made by himself or not, concerning any matter raised by the respondent.

- (c) At the meeting at which the proceedings are resumed the Chairman shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands and the Committee may then receive further oral or documentary evidence in relation to the case, or to the conduct of the respondent since the hearing, and shall hear any party to the proceedings who desires to be heard.
- (d) The Committee shall then consider and determine whether they should further postpone their judgment on the charges on which their judgment was previously postponed; and if the Committee determine further to postpone judgment, the judgment of the Committee shall stand postponed for a period not exceeding 2 years; and the Chairman shall announce their determination in such terms as they may approve. The provisions of this Rule shall apply to any case in which judgment is further postponed.
- (e) If the Committee determine that judgment shall not be further postponed paragraph (5) of Rule 10 of these Rules shall apply.

(2) At any resumed proceedings any new charge alleged against the respondent in accordance with these Rules shall first be dealt with in accordance with such of Rules 8 to 9, and so much of Rule 10, as may be applicable and if the Committee determine not to postpone judgment in respect of any such new charge, the Committee may apply paragraph (5) of Rule 10 simultaneously to the new charge and the charge in respect of which they had postponed judgment.

(3) Nothing in the last foregoing paragraph shall prevent the Committee from receiving evidence at any resumed proceedings of any conviction recorded against the respondent which has not been made the subject of a charge under these Rules.

(4) Subject to the provisions of the Act, the validity of any resumed proceedings shall not be called into question by reason only that members of the Committee who were present at any former meeting were not present at the resumed meeting.

PART III

CASES RELATING TO FRAUDULENT ENTRIES IN REGISTER

Application of Rules

The provisions of this Part and Part V of these Rules shall apply where a case of fraudulent entry is referred to the Committee.

13. Procedure

(1) Where any question whether a name has been fraudulently entered in the register has been referred to the Committee the Solicitor shall send to the respondent a notice of inquiry specifying the nature of the fraud alleged, stating the day, time and place at which the Committee will hold an inquiry into the question, inviting his attendance at such inquiry, and containing such further information as the nature of the case may require. The provisions of Rule 4 shall apply as though such notice were a notice of inquiry such as is mentioned in that Rule.

(2) A copy of the notice shall be sent to each party in the case and to such other persons (if any) as the Chairman may direct.

(3) The inquiry shall proceed as though the question were a charge contained in a notice of inquiry in a case relating to conduct and the provisions of Rule 9 shall accordingly apply thereto so far as may be.

(4) If the Committee determine that the entry has been proved to their satisfaction to have been fraudulently made, they shall make an order in writing, under the hand of the Chairman, that the entry having been proved to the satisfaction of the Committee to have been fraudulently made shall be removed from the register.

PART IV

RESTORATION OF NAMES AFTER REMOVAL

14. Procedure

Where an application is made by a person whose name has been removed from a register in pursuance of a direction made under the provisions of section 9 of the Act, the following provisions shall have effect :—

- (i) The Committee shall afford to the applicant an opportunity of being heard by the Committee and of adducing evidence.
- (ii) The Committee may require such evidence as they think necessary concerning the identity or character of the applicant, or his conduct since his name was removed from the register, and for this purpose may receive written or oral evidence.

Subject to the foregoing provisions of this Rule, and to Part V of these Rules, the procedure of the Committee in connection with the application shall be such as they may determine.

PART V

GENERAL

15. Hearing and Adjournment

(1) Subject to the provisions of paragraph 4 of Part II of Schedule 2 to the Act, and of any rules made thereunder the Committee may deliberate in camera (with or without the Legal Assessor) at any time and for any purpose during or after the hearing of any proceedings.

(2) Save as aforesaid all proceedings before the Committee shall take place in the presence of all parties thereto who appear therein and shall be held in public except as provided by the next following paragraph of this Rule.

(3) Where in the interests of justice it appears to the Committee that the public should be excluded from any proceedings or part thereof, the Committee may direct that the public shall be so excluded; but a direction under this paragraph shall not apply to the announcement in pursuance of any of these Rules of a determination of the Committee.

(4) The Committee may adjourn their proceedings from time to time as they think fit.

16. Evidence

(1) Where any respondent or applicant under Rule 14 has supplied to the Committee or to the Registrar on their behalf the name of any person to whom reference may be made confidentially as to his character or conduct, the Committee may consider any information received from such person in consequence of such reference without disclosing the same to the respondent or applicant.

(2) The Committee may receive oral, documentary, or other evidence of any fact which appears to them relevant to the inquiry into the case before them: Provided that, where a fact which it is sought to prove or the form in which any evidence is tendered, is such that it would not be admissible in criminal proceedings in an English court, or, in a case in which the Committee is sitting in Scotland or Northern Ireland, which would not be admissible in a Scottish or Northern Irish Court as the case may be, the Committee shall not receive evidence of that fact or in that form, unless after consultation with the Legal Assessor they are satisfied that it is desirable in the interests of justice

to receive it having regard to the difficulty and expense of obtaining evidence which would be so admissible.

(3) The Committee may cause any person to be called as a witness in any proceedings before them whether or not the parties consent thereto. Questions may be put to any witness by the Committee through the Chairman or by the Legal Assessor with the leave of the Chairman.

17. *Voting*

(1) All acts of the Committee shall be decided by a majority of the members present.

(2) Any question put to the vote shall be put in the form of a motion. The Chairman shall call upon the members present to vote for or against the motion by raising their hands and shall declare that the motion appears to him to have been carried or not carried as the case may be.

(3) Where on any of the questions the votes are equal, the question shall be deemed to have been resolved in favour of the respondent or of the applicant under Rule 14, as the case may be, and for the purposes of this paragraph a decision to postpone judgment shall be taken to be in favour of the respondent or applicant unless he has indicated to the Committee that he is opposed to postponement.

18. *Procedure where there is more than one respondent*

Nothing in this part of the Rules shall prevent one inquiry being held into charges against two or more respondents; and where such an inquiry is held the foregoing Rules shall apply with the necessary adaptations, and subject to any directions given by the Committee as to the order in which proceedings shall be taken under any of these Rules by or in relation to the several respondents, so however that any of the rights ensured to a respondent under these Rules shall be exercised separately by each of the respondents who desires to invoke that right.

19. *Supplementary*

(1) Any party being an individual may appear either in person or by counsel or solicitor, or if the party so elects by any officer or member of any organisation of which he is a member, or by any member of his family provided always that no member or alternate member of any Board shall be entitled to represent any party.

(2) Any party being a body corporate or an unincorporated body of persons may appear by their secretary or other officer duly appointed for the purpose or by counsel or solicitor.

20. A shorthand-writer shall be appointed by the Committee to take shorthand notes of their proceedings (except that the Committee may dispense with a shorthand-writer in proceedings under Part IV of these Rules) and any party to proceedings of the Committee shall, on application to the Solicitor and on payment of the proper charges, be furnished by the Solicitor with a transcript of the shorthand notes of any part of the proceedings at which the parties were entitled to be present.

The Common Seal of the Council for Professions Supplementary to Medicine was hereunto affixed this 2nd day of July 1964 in the presence of:—



CHRISTIAN J. TUDHOPE,
A Member of the Council

J. S. TAPSFIELD,
Registrar

APPENDIX

FORM OF NOTICE OF PROCEEDINGS FOR THE PURPOSES OF SECTION 8 OF THE
PROFESSIONS SUPPLEMENTARY TO MEDICINE ACT 1960

(Date)

Sir/Madam,

On behalf of the Board notice is hereby given to you that in consequence of (a complaint made against you to the Board) (or) (information received by the Board) an inquiry is to be held into the following charge against you:

(Here set out particulars of the charge or charges. Where there is more than one charge the charges are to be numbered consecutively.)

Notice is further given to you that on (day of the week), the day of 19....., a meeting of the Disciplinary Committee of the Board will be held at at to consider the above-mentioned charge (charges) against you and to determine whether or not they should direct the Registrar to remove your name from the register pursuant to section 9 of the Professions Supplementary to Medicine Act 1960, or give any other direction provided for in that section.

You are hereby invited to answer in writing the above-mentioned charge (charges) and also to appear before the Committee at the place and time specified above for the purpose of answering it (them). The Committee have power, if you do not appear, to hear and decide upon the said charge (charges) in your absence.

Any answer, admission, or other statement or communication which you may desire to make with respect to the said charge (charges) should be addressed to the Solicitor to the Board, and may be used in evidence at the inquiry.

If you desire to make any application that the inquiry should be postponed you should send the application to the Solicitor to the Board as soon as may be, stating the grounds upon which you desire a postponement. Any such application will be considered by the Chairman of the Disciplinary Committee of the Board in accordance with the Disciplinary Committees (Procedure) Rules 1964, a copy of which is sent herewith for your information.

Your attention is drawn to the provisions of Rule 19 of these Rules with regard to your right to be represented by counsel, solicitor or other persons.

I am, Sir/Madam,

Your obedient servant,

Solicitor to the

Board.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Rules confirmed by this Order prescribe the procedure to be followed and the rules of evidence to be observed in proceedings before Disciplinary Committees set up by the Boards established under the Professions Supplementary to Medicine Act 1960.

 STATUTORY INSTRUMENTS

1964 No. 1207 (S. 80)

**LANDLORD AND TENANT
RENT CONTROL, ETC., SCOTLAND**
The Rent Restrictions (Scotland) Amendment Regulations 1964

<i>Made</i>	27th July 1964
<i>Laid before Parliament</i>	30th July 1964
<i>Coming into Operation</i>	28th September 1964

In exercise of the powers conferred on me by section 14, as read with section 15, of the Rent and Mortgage Interest Restrictions (Amendment) Act 1933(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Rent Restrictions (Scotland) Amendment Regulations 1964 and shall come into operation on 28th September 1964.

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. There shall be added at the end of the form set out in Part II of Schedule 1 to the Rent Restrictions (Scotland) Regulations 1957(c) the following paragraph:—

“ 19. If you move, you will lose your controlled tenancy and the protection of the Rent Acts. As a protected tenant your landlord cannot evict you without a court order. Except in certain special cases, an order will only be granted if the court think it reasonable to do so and either there is suitable accommodation for you to go to or if one of a limited number of conditions is satisfied (for example, failure to pay rent or conduct which is a nuisance or annoyance to neighbours). You would be well advised to consult a solicitor, the local authority or a citizens' advice bureau before accepting any proposals which would mean giving up your present tenancy ”.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th July 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations add a new paragraph to the form of notice which has to be inserted in every rent book or similar document used by or on behalf of a landlord in respect of a dwelling-house to which the Rent and Mortgage Interest Restrictions Acts 1920 to 1939, apply.

(a) 23 & 24 Geo. 5. c. 32. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/1044 (1957 I, p. 1275).

1964 No. 1211 (L. 11)

CRIMINAL PROCEDURE, ENGLAND AND WALES**The Criminal Appeal Rules 1964**

<i>Made</i> - - - -	27th July 1964
<i>Laid before Parliament</i>	4th August 1964
<i>Coming into Operation</i>	10th August 1964

We, the Rule Committee of the Supreme Court, in pursuance of section 19 of the Criminal Justice Administration Act 1956(a), hereby make the following rules of court under the Criminal Appeal Act 1907(b) and the Criminal Appeal Act 1964(c).

1. For the purposes of section 2(5) of the Criminal Appeal Act 1964 (which relates to admissibility on a retrial ordered under that Act of evidence given at the original trial) verification of a transcript of the shorthand notes of the evidence given by a witness at the original trial shall be by a statutory declaration by the person making the transcript that—

- (a) he has made a correct and complete transcript of the notes to the best of his skill and ability, and
- (b) the notes were either signed and certified by him or purport to have been signed and certified by the shorthand writer who took them, as being a complete and correct shorthand note of that evidence.

2.—(1) In relation to an appellant admitted to bail pending his retrial in pursuance of section 2(2) of the Criminal Appeal Act 1964 the conditions of his recognizance and that of his sureties (if any) shall be those set out in paragraph (2) of this Rule and not those specified in Forms X and XI respectively of the Criminal Appeal Rules 1908(d), as set out in the Criminal Appeal Rules 1960(e); and subject thereto Rule 29 of the Criminal Appeal Rules 1908, as amended(f) (which relates to release on bail), other than paragraph (h) thereof, shall apply with the necessary adaptations in relation to such an appellant pending his retrial as it applies to an appellant under the said Rules pending the determination of his appeal.

(2) The conditions of the recognizance of such an appellant or surety shall be as follows:—

“ The conditions of this recognizance are that if the said
 appears in person at and before the court of _____ for the
 [county] of _____ on such date and at such time and place as
 may be notified to him by the proper officer of the court and there sur-
 renders himself into custody and takes his trial upon any indictment
 preferred against him, then this recognizance shall be void but otherwise
 shall remain in full force.”

(a) 4 & 5 Eliz. 2. c. 34. (b) 7 Edw. 7. c. 23. (c) 1964 c. 43.
 (d) S.R. & O. 1908/227 (Rev. V, p. 352 : 1908, p. 239). (e) S.I. 1960/1260 (1960 I, p. 862).
 (f) The relevant amending instrument is S.I. 1960/1260 (1960 I, p. 862).

3. The Interpretation Act 1889^(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament; and any expression used in these Rules which is also used in the Criminal Appeal Rules 1908 shall have the same meaning as it has in those Rules.

4. These Rules may be cited as the Criminal Appeal Rules 1964 and shall come into operation on 10th August 1964.

Dated 27th July 1964.

*Dilhorne, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Colin H. Pearson, L.J.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.*

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate its general purport.)

Under section 1 of the Criminal Appeal Act 1964 the Court of Criminal Appeal may order an appellant to be retried. At the retrial section 2(5) of that Act provides that a transcript of the shorthand notes of the evidence given by any witness at the original trial may, in certain circumstances, be read as evidence without further proof if verified in accordance with rules of court. Rule 1 of these Rules prescribes how the transcript should be verified. Rule 2 relates to the admission to bail of an appellant whom the court has ordered to be retried.

(a) 52 & 53 Vict. c. 63.

1964 No. 1212 (L. 12)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Matrimonial Causes (Amendment) Rules 1964

<i>Made</i> -	27th July 1964
<i>Laid before Parliament</i>	4th August 1964
<i>Coming into Operation</i>	
<i>Rules 1, 2, 3</i> - . .	1st October 1964
<i>Rule 4</i> -	1st January 1965

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925^(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers as follows :—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment) Rules 1964.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules, unless the context otherwise requires, a Rule or Appendix referred to by number means the Rule or Appendix so numbered in the Matrimonial Causes Rules 1957^(c), as amended^(d).

2. The following amendments shall be made in Rule 31 (which relates to setting down for trial):—

(a) In paragraph (5) the words “ acting in person ” and “ he is acting in person and ” shall be omitted.

(b) For sub-paragraph (a) of paragraph (6) there shall be substituted the following sub-paragraph :—

“ (a) in the case of any assizes at which the trial of matrimonial causes is to be begun on a date specified in an order made under article 6 of the Assizes Order 1964^(e) and that date falls after the later of the days mentioned in sub-paragraph (b) below, the date so specified ; ”.

3. In paragraph (9) of Rule 32 (which relates to trial in the provinces) for the word “ Winchester ” there shall be substituted the word “ Ryde ” and for the word “ Southampton ” there shall be substituted the words “ Newport (Isle of Wight) ”.

(a) 15 & 16 Geo. 5. c. 49. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/619 (1957 II, p. 2406).

(d) The relevant amending instrument is S.I. 1962/839 (1962 I, p. 932).

(e) S.I. 1964/279 (1964 I, p. 493).

4. Burnley, Coventry and Ryde shall be divorce towns and accordingly Appendix II shall be amended as follows:—

- (a) after the word “Bristol (A)” there shall be inserted the word “Burnley”;
- (b) after the word “Chester (A)” there shall be inserted the word “Coventry”;
- (c) for the word “Newport (A)” there shall be substituted the words “Newport (Mon.) (A)”;
- (d) after the word “Reading” there shall be inserted the word “Ryde”.

5. Rule 4 of these Rules shall come into operation on 1st January 1965 and the remaining provisions shall come into operation on 1st October 1964.

Dilhorne, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Colin H. Pearson, L.J.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.

Dated 27th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Matrimonial Causes Rules 1957 so as (1) to require notice of the day of hearing to be given to any party who has entered an appearance, whether in person or by a solicitor (rule 2(a)); (2) to provide that, where a day later than commission day is specially fixed for the commencement of divorce business at assizes, matrimonial causes may be entered for trial up to within 14 days before the day so fixed (rule 2(b)); (3) to add Burnley, Coventry and Ryde to the list of towns at which matrimonial causes may be tried (rule 4), and (4) to require the files in causes set down for hearing at Winchester and Ryde to be sent to the District Registries at Winchester and Newport (Isle of Wight) respectively, in view of the fact that the Matrimonial Causes (District Registries) Order 1964 (S.I. 1964/1125 (L. 10)) gives these Registries jurisdiction to deal with matrimonial causes (rule 3).

1964 No. 1213 (L. 13)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court 1964

<i>Made</i> - - - -	27th July 1964
<i>Laid before Parliament</i>	4th August 1964
<i>Coming into Operation</i>	1st October 1964

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. The Rules of the Supreme Court(b) shall be amended in accordance with the following provisions of this instrument.

2. The following rule shall be substituted for rules 1 and 2 of Order 2:—

Non-compliance with rules

“ 1.—(1) Where, in beginning or purporting to begin any proceedings or at any stage in the course of or in connection with any proceedings, there has, by reason of any thing done or left undone, been a failure to comply with the requirements of these rules, whether in respect of time, place, manner, form or content or in any other respect, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings, or any document, judgment or order therein.

(2) Subject to paragraph (3), the Court may, on the ground that there has been such failure as is mentioned in paragraph (1), and on such terms as to costs or otherwise as it thinks just, set aside either wholly or in part the proceedings in which the failure occurred, any step taken in those proceedings or any document, judgment or order therein or exercise its powers under these rules to allow such amendments (if any) to be made and to make such order (if any) dealing with the proceedings generally as it thinks fit.

(3) The Court shall not wholly set aside any proceedings or the writ or other originating process by which they were begun on the ground that the proceedings were required by any of these rules to be begun by an originating process other than the one employed.”

3. Rule 3 of Order 2 shall be re-numbered 2 and in paragraph (1) thereof for the words “ any proceedings for irregularity ” there shall be substituted the words “ for irregularity any proceedings, any step taken in any proceedings or any document, judgment or order therein ”.

(a) 15 & 16 Geo. 5. c. 49.

(b) S.I. 1962/2145 (1962 III, p. 2529) and see S.I. 1958/1246, 2094 (1958 II, pp. 2275, 2284).

4. In Order 4, rule 2, the following paragraphs shall be substituted for paragraph (2) :—

“(2) Paragraph (1) shall not apply to an action which is entered in the commercial list under Order 72, rule 4(1), unless and until it is ordered to be removed from that list, and shall cease to apply to an action on its transfer to that list or on its being referred to an official referee.

(3) Where an action in the commercial list is ordered to be removed from that list, paragraph (1) shall apply to that action subject to the modification that for the reference to the first summons in the action there shall be substituted a reference to the first summons in the action after the making of the order for removal of the action from the commercial list.”

5. The following amendments shall be made in Order 15 :—

(a) In rule 7 the following paragraph shall be substituted for paragraph (4) :—

“(4) The person on whose application an order is made under this rule must procure the order to be noted in the cause book, and after the order has been so noted that person must, unless the Court otherwise directs, serve the order on every other person who is a party to the cause or matter or who becomes or ceases to be a party by virtue of the order and serve with the order on any person who becomes a defendant a copy of the writ or originating summons by which the cause or matter was begun.”

(b) In rule 8(1) the words “or 7, then, subject to paragraph (2)” shall be omitted and for paragraphs (2), (3) and (4) the following paragraphs shall be substituted :—

“(2) Where by an order under rule 6 a person is to be made a defendant, the rules as to service of a writ of summons shall apply accordingly to service of the amended writ on him, but before serving the writ on him the person on whose application the order was made must procure the order to be noted in the cause book.

(3) Where by an order under rule 6 or 7 a person is to be made a defendant, the rules as to entry of appearance shall apply accordingly to entry of appearance by him subject, in the case of a person to be made a defendant by an order under rule 7, to the modification that the time limited for appearing shall begin with the date on which the order is served on him under rule 7(4) or, if the order is not required to be served on him, with the date on which the order is noted in the cause book.

(4) Where by an order under rule 6 or 7 a person is to be added as a party or is to be made a party in substitution for some other party, that person shall not become a party until—

(a) where the order is made under rule 6, the writ has been amended in relation to him under this rule and (if he is a defendant) has been served on him, or

(b) where the order is made under rule 7, the order has been served on him under rule 7(4) or, if the order is not required to be served on him, the order has been noted in the cause book ;

and where by virtue of the foregoing provision a person becomes a party in substitution for some other party, all things done in the course of the proceedings before the making of the order shall have effect in relation to the new party as they had in relation to the old except that entry of appearance by the old party shall not dispense with entry of appearance by the new”.

6. At the end of rule 20 of Order 18 there shall be inserted the following paragraph :—

“The pleadings in an action are deemed to be closed at the time provided by the foregoing provision notwithstanding that any request or order for particulars has been made but has not been complied with at that time.”

7. The following rules shall be substituted for rules 4 and 5 of Order 20 :—

“ Application for disallowance of amendment made without leave

4.—(1) Within 14 days after the service on a party of a pleading amended under rule 3(1), that party may apply to the Court to disallow the amendment.

(2) Where the Court hearing an application under this rule is satisfied that if an application for leave to make the amendment in question had been made under rule 5 at the date when the amendment was made under rule 3(1) leave to make the amendment or part of the amendment would have been refused, it shall order the amendment or that part to be struck out.

(3) Any order made on an application under this rule may be made on such terms as to costs or otherwise as the Court thinks just.

Amendment of writ or pleading with leave

5.—(1) Subject to Order 15, rules 6, 7 and 8 and the following provisions of this rule, the Court may at any stage of the proceedings allow the plaintiff to amend his writ, or any party to amend his pleading, on such terms as to costs or otherwise as may be just and in such manner (if any) as it may direct.

(2) Where an application to the Court for leave to make the amendment mentioned in paragraph (3), (4) or (5) is made after any relevant period of limitation current at the date of issue of the writ has expired, the Court may nevertheless grant such leave in the circumstances mentioned in that paragraph if it thinks it just to do so.

(3) An amendment to correct the name of a party may be allowed under paragraph (2) notwithstanding that it is alleged that the effect of the amendment will be to substitute a new party if the Court is satisfied that the mistake sought to be corrected was a genuine mistake and was not misleading or such as to cause any reasonable doubt as to the identity of the person intending to sue or, as the case may be, intended to be sued.

(4) An amendment to alter the capacity in which a party sues (whether as plaintiff or as defendant by counterclaim) may be allowed under paragraph (2) if the capacity in which, if the amendment is made, the party will sue is one in which at the date of issue of the writ or the making of the counterclaim, as the case may be, he might have sued.

(5) An amendment may be allowed under paragraph (2) notwithstanding that the effect of the amendment will be to add or substitute a new cause

of action if the new cause of action arises out of the same facts or substantially the same facts as a cause of action in respect of which relief has already been claimed in the action by the party applying for leave to make the amendment.”

8. At the beginning of the set of Orders headed “Special Provisions as to Particular Proceedings” there shall be inserted the following Order:—

“ORDER 72

COMMERCIAL ACTIONS

Application and interpretation

1.—(1) This Order applies to commercial actions, and the other provisions of these Rules apply to those actions subject to the provisions of this Order.

(2) In this Order “commercial action” includes any cause arising out of the ordinary transactions of merchants and traders and, without prejudice to the generality of the foregoing words, any cause relating to the construction of a mercantile document, the export or import of merchandise, affreightment, insurance, banking, mercantile agency and mercantile usage.

The Commercial List

2.—(1) There shall be a list, which shall be called “The commercial list”, in which commercial actions may be entered in accordance with the provisions of this Order, and a judge of the Queen’s Bench Division shall be in charge of that list.

(2) In this Order references to the judge shall be construed as references to the judge for the time being in charge of the commercial list.

(3) The judge shall have control of the actions in the commercial list and, subject to the provisions of this Order and to any directions of the judge, the powers of a judge in chambers (including those exercisable by a master or registrar) shall, in relation to an action in the commercial list, be exercisable by the judge.

(4) Paragraph (3) shall not be construed as preventing the powers of the judge being exercised by some other judge.

Powers, etc., of Liverpool and Manchester district registrars

3.—(1) All interlocutory applications in an action in the commercial list proceeding in the district registry of Liverpool or the district registry of Manchester, other than an application under rule 6, must be made to the registrar of that registry notwithstanding that the action is in the commercial list, and the registrar may make such order on any such application as he thinks fit or may adjourn the application to be heard by the judge:

Provided that if any party to any such application requests the registrar to adjourn the application to the judge for hearing by him the registrar shall adjourn it accordingly.

(2) It shall be the duty of the registrar of each of the said registries to keep the judge’s clerk informed of the progress of actions in the commercial list proceeding in that registry and, in particular, to inform him of the making of an order that such an action shall be tried at Liverpool or Manchester, as the case may be, and of the date fixed for the trial.

Entry of action in commercial list when action begun

4.—(1) Before a writ or originating summons by which a commercial action is to be begun is issued out of the central office, the Admiralty registry, the district registry of Liverpool or the district registry of Manchester, it may be marked in the top left hand corner with the words "Commercial List", and on the issue of a writ or summons so marked the action begun thereby shall be entered in the commercial list.

(2) If the plaintiff intends to issue the writ or originating summons by which a commercial action is to be begun out of the central office or the Admiralty registry and to mark it in accordance with paragraph (1), and the writ, notice of the writ or the originating summons, as the case may be, is to be served out of the jurisdiction, an application for leave to issue the writ or summons and to serve the writ, or notice of the writ, or the summons out of the jurisdiction may be made to the judge.

(3) The affidavit in support of an application made to the judge by virtue of paragraph (2) must, in addition to the matters required by Order 11, rule 4(1) to be stated, state that the plaintiff intends to mark the writ or originating summons in accordance with paragraph (1) of this rule.

(4) If the judge hearing an application made to him by virtue of paragraph (2) is of opinion that the action in question should not be entered in the commercial list, he may adjourn the application to be heard by a master or the Admiralty registrar, as the circumstances of the case require.

Transfer of action to commercial list after action begun

5.—(1) At any stage of the proceedings in a commercial action before trial any party to the action may apply by summons to the judge or, if the action is proceeding in the district registry of Liverpool or the district registry of Manchester, to the registrar of that registry to transfer the action to the commercial list.

(2) Where an application under paragraph (1) is made to the registrar of either of the said registries, the registrar may either order the action to be transferred to the commercial list or adjourn the summons to be heard by the judge.

(3) If, on the hearing of any summons in a commercial action, it appears to the Court that the action may be one suitable for trial in the commercial list and any party wishes the action to be transferred to that list, then, subject to paragraph (4), the Court may adjourn the summons so that it can be heard by the judge and treated by him as a summons to transfer the action to that list.

(4) The registrar of the district registry of Liverpool or the district registry of Manchester may, instead of adjourning a summons under paragraph (3), order the action to be transferred to the commercial list; and if on the hearing of any summons in a commercial action by the registrar of any district registry any party requests the registrar to adjourn the summons under paragraph (3) so that it can be heard by the judge, the registrar shall adjourn the summons accordingly, and the adjourned summons shall be treated by the judge as a summons to transfer the action to the commercial list.

(5) Where the judge orders a commercial action proceeding in a district registry to be transferred to the commercial list he may also order the action to be transferred to the Royal Courts of Justice.

Removal of action from commercial list

6.—(1) The judge may, of his own motion or on the application of any party, order an action in the commercial list to be removed from that list.

(2) Where an action is in the commercial list by virtue of rule 4, an application by a defendant or third party for an order under this rule must be made within 7 days after entering an appearance in the action.

Pleadings in commercial list actions

7.—(1) The pleadings in an action in the commercial list must be in the form of points of claim, or of defence, counterclaim, defence to counterclaim or reply, as the case may be and must be as brief as possible.

(2) Without prejudice to Order 18, rule 12(1), no particulars shall be applied for or ordered in an action in the commercial list except such particulars as are necessary to enable the party applying to be informed of the case he has to meet or as are for some other reason necessary to secure the just, expeditious and economical disposal of any question at issue in the action.

(3) The foregoing provisions are without prejudice to the power of the judge or of the district registrar of Liverpool or the district registrar of Manchester to order that an action in the commercial list shall be tried without pleadings or further pleadings, as the case may be.

Directions in commercial list actions

8.—(1) Notwithstanding anything in Order 25, rule 1(1), any party to an action in the commercial list may take out a summons for directions in the action before the pleadings in the action are deemed to be closed.

(2) Where an application is made to transfer an action to the commercial list, Order 25, rules 2 to 7, shall, with the omission of so much of rule 7(1) as requires the parties to serve a notice specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application were a summons for directions.

Trial with City of London special jury

9.—(1) If an action in, or ordered to be transferred to, the commercial list, is ordered to be tried at the Royal Courts of Justice with a jury, the Court may, at the same time or subsequently, order the action to be tried with a City of London special jury on such terms, if any, as to costs and otherwise as may be just.

(2) It shall be the duty of the Court to make an order under this rule if it is satisfied that it is a proper case for trial with a jury and an application for the order is made by any party to the action either at the time at which the mode of trial is fixed or, with the leave of the judge, at any later stage.

(3) In this rule "the Court" means the judge, the district registrar of Liverpool or the district registrar of Manchester, as the case may be.

Production of certain documents in marine insurance actions

10.—(1) Where in an action in the commercial list relating to a marine insurance policy an application for an order under Order 24, rule 3, is made by the insurer, then, without prejudice to its powers under that rule, the Court, if satisfied that the circumstances of the case are such that it is necessary or expedient to do so, may make an order, either in Form No. 19 in Appendix K or in such other form as it thinks fit, for the production of such documents as are therein specified or described.

(2) An order under this rule may be made on such terms, if any, as to staying proceedings in the action or otherwise, as the Court thinks fit.

(3) In this rule "the Court" means the judge, the district registrar of Liverpool or the district registrar of Manchester, as the case may be."

9. The following amendments shall be made in rule 4 of Order 75:—

- (a) in the cross-heading, the words "in certain actions in personam" shall be omitted;
- (b) in paragraph (1), for the words "paragraphs (2) and (3)" there shall be substituted the words "the following provisions of this rule", and in paragraph (1)(a) after the word "or", where first occurring, there shall be inserted the word "a";
- (c) in paragraph (3) for the words "This rule" there shall be substituted the words "Paragraph (1)"; and
- (d) at the end there shall be added the following paragraph:—
 "(4) The proviso to rule 7(1) of Order 6 and Order 11, rule 1(2), shall not apply to a writ, or notice of a writ, by which any Admiralty action is begun."

10. The following amendments shall be made in Order 88:—

- (a) In rule 5(1)(b) after the word "Act" there shall be inserted the words "or otherwise".
- (b) The following rule shall be inserted after rule 5:—

Transfer of certain applications etc. to the commercial list

"5A.—(1) An application to transfer to the commercial list—

- (a) a special case stated for the decision of the High Court by an arbitrator or umpire under section 21 of the Arbitration Act 1950, or
- (b) any such application as is referred to in rule 5(1),

may be made to the judge in charge of the commercial list by summons, and if it appears to the judge that the subject matter of the reference or award to which such case or application relates is of a commercial nature he may make an order transferring the case or application to the commercial list.

(2) Order 72, rules 2(3) and (4) and 6(1), shall apply in relation to a special case or application transferred to the commercial list by order under this rule as they apply to actions in the commercial list."

11. The following rules shall be revoked:—

- Order 24, rule 9;
- Order 25, rule 1(2)(f), from "or" to the end;
- Order 25, rules 2(7) and 8;
- Order 36, rule 11.

12. The following amendments shall be made in the Supreme Court Costs Rules 1959^(a):—

- (a) In rule 3(3) for the words from "statement" to "defendant" there shall be substituted the words "any pleading".

(a) S.I. 1959/1958 (Schedule 2) (1959 II, p. 2535).

(b) In rule 8(7) after the word "fund" there shall be inserted the words "other than the legal aid fund".

(c) In rule 13(1)(a) for the amount "£300" there shall be substituted the amount "£350".

(d) In rule 22(1) and (2) the words "and are to be conducted by a taxing officer other than the Admiralty registrar" shall be omitted.

(e) In rule 23 paragraph (4) shall be omitted.

(f) In rule 34, after paragraph (2) there shall be inserted the following paragraph:—

"(2A) On a hearing of a review under the last foregoing rule a party to whom a copy of objections was delivered under paragraph (4) of that rule shall be entitled to be heard in respect of any item to which the objections relate notwithstanding that he did not deliver written answers to the objections under that paragraph."

(g) In rule 34 at the end of paragraph (3) there shall be added the following paragraph:—

"A request under this paragraph must be made within 14 days after the review or such shorter period as may be fixed by the taxing officer."

(h) At the end of rule 35(1) there shall be added the words "if, but only if, one of the parties to the proceedings before the taxing officer requested that officer in accordance with rule 34(3) of these rules to state the reasons for his decision in respect of that item or part on the review".

(j) The following amendments shall be made in Appendix 2:—

(i) In item 16 for the words "and fair copy" there shall be substituted the words "including copy for counsel".

(ii) At the end of item 22 there shall be added in column 1 the words "including, when appropriate, attending deponent to be sworn and copy for service" and for the amount of £2 and £10 in column 2 of that item there shall be substituted an amount of £3 and £12 10s. 0d. respectively.

(iii) At the end of item 24 the following shall be added:—

"Where the writ mentioned in paragraph (a) is for more than one witness, copy for service on each additional witness 2s. 0d."

(iv) At the end of item 28 there shall be added in column 1 the words "including copy for counsel" and for the amount of £5 in column 2 of that item there shall be substituted an amount of £7 10s.

(v) For items 33 and 34 there shall be substituted the following item:—

"33. Attending at court for purpose of—

(a) any application relating to or consequent	1	10	0
on trial or hearing of a cause or matter		to	
	5	0	0

(b) trial or hearing of a cause or matter for each day—			
(i) on which cause or matter is included in list of causes or matters to be tried or heard but on which trial or hearing is not begun	1	10	0
		to	
(ii) of trial or hearing	8	0	0
		to	
	15	0	0
(c) hearing deferred judgment	3	0	0
		to	
	8	0	0

Note to item 33

Where the Court is not sitting at the Royal Courts of Justice, then, unless it is sitting in the town in which the solicitor practises, the solicitor shall also be allowed travelling and out of pocket expenses reasonably incurred by him, and where the Court is sitting at the Royal Courts of Justice and the costs of the attendance at court of a country solicitor are allowed, that solicitor shall also be allowed such expenses so incurred."

(vi) In item 38 for the words "Attending to obtain" there shall be substituted the word "Obtaining" and after the word "Division)" there shall be inserted the word "attending".

(vii) At the end of item 39 the following shall be added :—

"Or if bill of costs does not exceed £20 and is taxed at the same time as some other bill in the same proceedings 2 0 0"

(viii) At the end of item 74 there shall be added in column 1 the words "including copy for counsel" and for the amount of £2 and £7 10s. 0d. in column 2 of that item there shall be substituted an amount of £1 and £10 respectively.

(ix) In items 41, 85 and 86, for the amount of 8d. there shall, as respects copies made after the date of the coming into operation of this instrument, be substituted an amount of 10d.

(x) In item 84, for the amount of 4d. there shall, as respects copies made after the said date, be substituted an amount of 5d."

13. This instrument may be cited as the Rules of the Supreme Court 1964 and shall come into operation on 1st October 1964.

Dated 27th July 1964.

Dilhorne, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Colin H. Pearson, L.J.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Rules of the Supreme Court so as (1) to ensure that any failure to comply with the Rules is to be treated as an irregularity, which the court may deal with as it thinks fit (rules 2 and 3); (2) to amend the provisions consequential on the making of an order to carry on proceedings (rule 5); (3) to ensure that pleadings are deemed to be closed at the appropriate time even where a request or order for particulars has still to be complied with (rule 6); (4) to extend the court's power to allow amendments notwithstanding the expiry of any relevant period of limitation (rule 7); (5) to replace the directions of the judges with regard to the Commercial Court by a new Order 72 which will enable an action begun in London or the district registry of Liverpool or Manchester to be entered in the commercial list at the time the writ or originating summons is issued (rule 8), and to make consequential amendments and revocations of other rules (rules 10 and 11); and (6) to clarify the provisions relating to the service of a writ out of the jurisdiction in Admiralty proceedings (rule 9). The Rules also make a number of minor amendments in the Supreme Court Costs Rules 1959 (rule 12).

1964 No. 1214

WAGES COUNCILS

The Wages Regulation (Retail Furnishing and Allied Trades) Order 1964

Made - - - - - 27th July 1964

Coming into Operation 7th September 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Furnishing and Allied Trades Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Furnishing and Allied Trades) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 7th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Furnishing and Allied Trades) Order 1962(c) and the Wages Regulation (Retail Furnishing and Allied Trades) (Amendment) Order 1963(d), shall cease to have effect.

Dated 27th July 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.
(c) S.I. 1962/2269 (1962 III, p. 3147).

(b) 52 & 53 Vict. c. 63.
(d) S.I. 1963/1507 (1963 II, p. 2760).

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Furnishing and Allied Trades) Order 1962(a) (hereinafter referred to as "Order R.F.A. (38)"), as amended by the Wages Regulation (Retail Furnishing and Allied Trades) (Amendment) Order 1963(b) (Order R.F.A. (40)).

PART I

STATUTORY MINIMUM REMUNERATION
APPLICATION

1. Subject to the provisions of paragraphs 6, 9 and 10, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3, 4 and 5: Provided that any increase in remuneration payable under the provisions of paragraph 4 or 5 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

(a) S.I. 1962/2269 (1962 III, p. 3147).

(b) S.I. 1963/1507 (1963 II, p. 2760).

SHOP MANAGERS AND SHOP MANAGERESSES

2. Subject to the provisions of this paragraph, the minimum remuneration payable to Shop Managers and Shop Manageresses employed in the areas specified in Column 2 of the next following table shall be the amount appearing in the said Column 2 against the amount of weekly trade shown in Column 1.

Column 1	Column 2					
	LONDON AREA per week		PROVINCIAL A AREA per week		PROVINCIAL B AREA per week	
	Male s. d.	Female s. d.	Male s. d.	Female s. d.	Male s. d.	Female s. d.
WEEKLY TRADE						
Under £60	217 6	184 6	210 0	177 0	198 0	166 6
£60 and under £80	220 6	187 6	213 0	180 0	201 0	169 6
£80 " " £100	223 6	190 6	216 0	183 0	204 0	172 6
£100 " " £125	229 6	197 0	222 0	190 0	210 0	180 0
£125 " " £150	235 6	202 6	228 0	195 0	216 0	184 6
£150 " " £175	239 6	206 6	232 0	199 0	220 0	188 6
£175 " " £200	242 6	209 6	235 0	202 0	223 0	191 6
£200 " " £225	246 0	213 0	238 6	205 6	226 6	195 0
£225 " " £250	248 6	215 6	241 0	208 0	229 0	197 6
£250 " " £275	252 0	219 0	244 6	211 6	232 6	201 0
£275 " " £300	254 6	221 6	247 0	214 0	235 0	203 6
£300 " " £325	258 0	225 0	250 6	217 6	238 6	207 0
£325 " " £350	260 6	227 6	253 0	220 0	241 0	209 6
£350 " " £375	262 6	229 6	255 0	222 0	243 0	211 6
£375 " " £400	264 6	231 6	257 0	224 0	245 0	213 6
£400 " " £425	267 6	234 6	260 0	227 0	248 0	216 6
£425 " " £450	269 6	236 6	262 0	229 0	250 0	218 6
£450 " " £475	271 6	238 6	264 0	231 0	252 0	220 6
£475 " " £500	273 6	240 6	266 0	233 0	254 0	222 6

For the purposes of this paragraph "weekly trade" shall be calculated half-yearly and based on the period of 12 months immediately preceding the commencement of each half-year in the following manner:—

For the period of 26 weeks beginning (1) with the fifth week or (2) with the 31st week following the accounting date in any year, the weekly trade of a shop shall be one fifty-second of the amount of the total receipts for goods sold at that shop during the 52 weeks immediately preceding the accounting date (in the case of (1) hereof) or the 26th week following the accounting date (in the case of (2) hereof).

Except as provided as aforesaid, the weekly trade in respect of any week shall be the amount of the total receipts for goods sold at the shop in the preceding week.

In this paragraph—

- (a) "accounting date" means that date in each year on which the books of accounts of a shop are closed for the purpose of preparing the annual accounts in respect of that shop, or, in the absence of any such date, the 5th April in any year;
- (b) the expression "receipts for goods sold" includes receipts in respect of hire purchase transactions;
- (c) "shop" includes any part of the shop not engaged in the retail furnishing and allied trades.

TEMPORARY SHOP MANAGERS AND TEMPORARY SHOP MANAGERESSES

- 3.—(1) Subject to the provisions of this paragraph, the minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses for each continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress (reckoned in accordance with the provisions of sub-paragraph (2) of this paragraph), shall be the appropriate minimum remuneration for a Shop Manager or Shop Manageress, as the case may be, under the provisions of paragraph 2.

(2) In reckoning any continuous period of employment as Temporary Shop Manager or Temporary Shop Manageress for the purposes of sub-paragraph (1) of this paragraph, no account shall be taken of any period of employment:—

(a) not exceeding two consecutive working days ; or

(b) not exceeding a total of two weeks in any year, being a period when the Shop Manager or Shop Manageress is absent on holiday :

Provided that for the purposes of this paragraph where in any year a worker is employed by the same employer as a Temporary Shop Manager or Temporary Shop Manageress at more than one shop during the absence on holiday of the Shop Manager or Shop Manageress, the first period of such employment and any subsequent periods of such employment in the same year shall be treated as a continuous period of employment.

(3) The minimum remuneration payable to Temporary Shop Managers and Temporary Shop Manageresses for any period of employment mentioned in (a) or (b) of sub-paragraph (2) of this paragraph, shall be not less than the appropriate minimum remuneration for a Shop Assistant under the provisions of this Schedule.

(4) For the purposes of this paragraph "year" means the 12 months commencing with 1st January and ending with 31st December.

WORKERS OTHER THAN SHOP MANAGERS, SHOP MANAGERESSES, TEMPORARY SHOP MANAGERS, TEMPORARY SHOP MANAGERESSES OR TRANSPORT WORKERS

4. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	LONDON AREA per week		PROVINCIAL A AREA per week		PROVINCIAL B AREA per week	
	Male s. d.	Female s. d.	Male s. d.	Female s. d.	Male s. d.	Female s. d.
(1) CLERK GRADE I, AGED 23 YEARS OR OVER ...	209 0	154 6	201 0	148 6	187 0	137 6
(2) CLERK GRADE I, AGED UNDER 23 YEARS, CLERK GRADE II, SHOP ASSISTANT, CASHIER, CENTRAL WAREHOUSE WORKER, STOCKHAND OR VAN SALESMAN:—						
Aged 22 years or over ...	202 6	149 6	194 6	144 0	180 6	132 6
" 21 and under 22 years ...	183 0	133 6	176 6	127 0	163 0	117 0
" 20 " " 21 " ...	152 6	115 6	147 0	110 6	135 0	102 6
" 19 " " 20 " ...	140 0	109 6	134 6	104 6	122 6	96 6
" 18 " " 19 " ...	124 6	102 0	119 0	97 0	110 0	90 0
" 17 " " 18 " ...	102 0	87 0	96 6	80 6	88 6	74 6
" 16 " " 17 " ...	94 0	78 6	88 6	74 6	81 0	68 6
" under 16 years ...	87 0	74 0	82 0	69 6	75 6	63 6
(3) ALL OTHER WORKERS (OTHER THAN TRANSPORT WORKERS):—						
Aged 22 years or over ...	193 0	143 6	185 0	137 6	176 6	127 6
" 21 and under 22 years ...	179 0	131 6	171 0	125 0	157 6	114 6
" 20 " " 21 " ...	149 0	114 6	140 6	109 0	129 6	101 0
" 19 " " 20 " ...	136 6	108 6	129 0	103 0	118 0	95 0
" 18 " " 19 " ...	123 6	101 0	118 0	95 6	109 0	89 0
" 17 " " 18 " ...	101 0	85 0	95 6	78 6	87 6	72 6
" 16 " " 17 " ...	93 0	78 6	87 6	74 6	80 0	68 6
" under 16 years ...	86 0	74 0	81 0	69 6	74 6	63 6

TRANSPORT WORKERS

5. Subject to the provisions of paragraph 1, the minimum remuneration payable to Transport Workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
Age of transport worker	Type of vehicle		LONDON AREA	PRO-VINCIAL A AREA	PRO-VINCIAL B AREA
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle	per week	per week	per week
21 years or over	1 ton or less ...	One-horse	s. d.	s. d.	s. d.
20 and under 21 years			202 6	194 6	180 6
19 " " 20 " "			161 6	159 6	148 6
18 " " 19 " "			151 6	149 0	138 6
under 18 years			138 0	136 0	127 0
			118 0	115 6	107 6
All ages	Over 1 ton and up to 2 tons ...	Two-horse	207 0	199 0	185 6
	Over 2 tons and up to 5 tons ...	—	211 0	203 6	189 6
	Over 5 tons ...	—	215 6	207 6	194 0

MINIMUM OVERTIME RATES

6. Overtime shall be payable at the following minimum rates:—

- (1) To any worker, for work on a Sunday or customary holiday,
- (a) where time worked does not exceed 4½ hours double time for 4½ hours
- (b) where time worked exceeds 4½ hours but does not exceed 8 hours double time for 8 hours
- (c) where time worked exceeds 8 hours double time for all time worked

Provided that—

- (i) Overtime rates in accordance with the foregoing provisions of this paragraph shall be payable to a Shop Manager, Temporary Shop Manager, Shop Manageress or Temporary Shop Manageress only if the overtime worked is specifically authorised in writing by the employer or his representative;
- (ii) Where it is or becomes the practice in a Jewish undertaking for the employer to require the worker's attendance on Sunday instead of Saturday, the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such attendance on Sunday is unlawful.
- (2) To any worker, on the weekly short day in any week during which, under sub-section (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half day,
- for any time worked after 1.30 p.m. double time

(a) 14 Geo. 6. c. 28.

(3) To any worker, other than a Shop Manager, Temporary Shop Manager, Shop Manageress or Temporary Shop Manageress—

(a) on the weekly short day (not being a weekly short day to which sub-paragraph (2) of this paragraph applies)

for any time worked after 1.30 p.m. time-and-a-half

(b) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph,

for all time worked in excess of 44 hours time-and-a-half

Provided that in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours" and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

WAITING TIME

7. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer unless he is present thereon in any of the following circumstances, that is to say—

- (1) without the employer's consent, express or implied;
- (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;
- (3) by reason only of the fact that he is resident thereon; or
- (4) during normal meal times, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

8.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a worker who is not required to work on a customary holiday shall be paid for that holiday not less than the amount to which he would have been entitled under the foregoing provisions had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

(2) A worker shall not be entitled to any payment under this paragraph unless he—

- (a) worked for the employer throughout the last working day on which work was available for him preceding the holiday; and
- (b) presents himself for employment at the usual starting time on the first working day after the holiday:

Provided that (a) or (b), as the case may be, of this sub-paragraph shall be deemed to be complied with where the worker is excused by his employer or is prevented by his proved illness or injury from working or presenting himself for employment as aforesaid.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

9.—(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration (including holiday remuneration but excluding remuneration in respect of overtime) payable to a full-time worker under those other provisions is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

- (2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 2, 4 or 5 for 44 hours' work in his normal occupation:

Provided that—

- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 10) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;
- (b) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (b) to sub-paragraph (2) of this paragraph) is
- (a) capable of and available for work; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 10.—(1) The minimum remuneration specified in this Part of this Schedule relates to a week of 44 hours exclusive of overtime and, except in the case of guaranteed weekly remuneration under paragraph 9, is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 7, be excluded.

BENEFITS AND ADVANTAGES

11. The following benefits or advantages, being benefits or advantages provided, in pursuance of the terms and conditions of the employment of the worker, by the employer or by some other person under arrangements with the

employer and not being benefits or advantages the provision of which is illegal by virtue of the Truck Acts 1831 to 1940(a), or of any other enactment, are authorised to be reckoned as payment of wages by the employer in lieu of payment in cash in the following manner:—

(1) board and lodging for seven days a week, as the appropriate amount set out in the following table—

In the case of a worker aged	LONDON AREA per week	PROVINCIAL A AREA per week	PROVINCIAL B AREA per week
	s. d.	s. d.	s. d.
21 years or over	36 9	32 9	27 9
20 and under 21 years	34 9	30 9	25 9
19 " " 20 "	32 6	28 6	23 6
18 " " 19 "	30 0	26 0	21 0
17 " " 18 "	28 0	24 0	19 0
under 17 years	25 0	21 0	16 0

or, where board and lodging is not so provided,

(2) dinner of good and sufficient quality and quantity provided on each day on which the worker normally works in the week, other than the weekly short day, as an amount of 9s. 9d. per week;

(3) tea of good and sufficient quality and quantity provided as aforesaid, as an amount of 3s. 6d. per week.

PART II ANNUAL HOLIDAY AND HOLIDAY REMUNERATION ANNUAL HOLIDAY

12.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph and of paragraph 13, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964 and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 19) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday			
	Where the worker's normal working week is			
	Six days	Five days	Four days	Three days or less
12 months	12 days	10 days	8 days	6 days
Not less than 11 months but less than 12 months	11 "	9 "	7 "	5 "
" " 10 " " " "	10 "	8 "	7 "	5 "
" " 9 " " " "	9 "	7 "	6 "	4 "
" " 8 " " " "	8 "	7 "	5 "	4 "
" " 7 " " " "	7 "	6 "	5 "	3 "
" " 6 " " " "	6 "	5 "	4 "	3 "
" " 5 " " " "	5 "	4 "	3 "	2 "
" " 4 " " " "	4 "	3 "	3 "	2 "
" " 3 " " " "	3 "	2 "	2 "	1 day
" " 2 " " " "	2 "	2 "	1 day	1 "
" " 1 month " " "	1 day	1 day	1 "	nil

- (2) Notwithstanding the provisions of the last foregoing sub-paragraph—
- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;
 - (b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the first day of January in the following year, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;
 - (c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.F.A.(38) between 1st April 1964 and the date on which this Schedule becomes effective.
- (3) In this Schedule the expression "holiday season" means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964, and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.
13. Where at the written request of the worker at any time during the three months immediately preceding the commencement of the holiday season in any year, his employer allows him any day or days of annual holiday and pays him holiday remuneration in respect thereof calculated in accordance with the provisions of paragraphs 16 and 17, then
- (1) the annual holiday to be allowed in accordance with paragraph 12 in the holiday season in that year shall be reduced by the day or days of annual holiday so allowed prior to the commencement of that holiday season ; and
 - (2) for the purpose of calculating accrued holiday remuneration under paragraph 18 any day or days of annual holiday deducted in accordance with sub-paragraph (1) hereof shall be treated as if they had been allowed in the holiday season.
- 14.—(1) An annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days : so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
 - (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer or a day on which he does not normally work for the employer intervenes.
 - (4) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2) (b) of paragraph 12.

- (5) No day of annual holiday shall be allowed on a customary holiday.
- (6) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday (not being a customary holiday) or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

15. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 16.—(1) Subject to the provisions of paragraph 17, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
17. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 18 of this Schedule or with Order R.F.A. (38)) in respect of employment during any of the periods referred to in that paragraph, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.F.A. (38).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

18. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment occurring in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since the said 1st April, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker, without the consent of his employer, terminates his employment without having given not less than one week's notice, or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker

shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him ;

- (c) where during the period or periods in respect of which the said accrued holiday remuneration is payable the worker has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 13) for which he has not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday.

CALCULATION OF EMPLOYMENT

19. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

20. For the purposes of this Schedule—

- “BOARD” means not less than three meals a day, of good and sufficient quality and quantity, one of which shall be dinner ; and “LODGING” means clean and adequate accommodation and clean and adequate facilities for eating, sleeping, washing and leisure.
- “CARRYING CAPACITY” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.
- “CASHIER” means a worker employed in a shop and engaged wholly or mainly in receiving cash or giving change.
- “CENTRAL WAREHOUSE WORKER” means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail furnishing and allied trades supplies its shops.
- “CLERK GRADE I” means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.
- “CLERK GRADE II” means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.
- “CUSTOMARY HOLIDAY” means

- (1) (a) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as a public holiday throughout England and Wales ;

(b) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday;

Christmas Day (when Christmas Day falls on any day other than a Sunday);

two other days or, when Christmas Day falls on a Sunday, three other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday and any day proclaimed as a public holiday throughout Scotland;

or (2) where in any undertaking it is not the custom or practice to observe such days as are specified in (1)(a) or (1)(b) above as holidays, such other days, not fewer in number, as may by agreement between the employer or his representative and the worker or his representative be substituted for the specified days.

"FULL-TIME WORKER" means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

"LONDON AREA", "PROVINCIAL A AREA" and "PROVINCIAL B AREA" have the meanings respectively assigned to them in paragraph 21.

"MONTH" means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month or, if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

"NORMAL WORKING WEEK" means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season or, where under paragraph 18 accrued holiday remuneration is payable on the termination of the employment, during the 12 months immediately preceding the date of the termination of the employment:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work—

(1) if working his normal working week, and the number of daily hours normally worked by him (exclusive of overtime),

(2) if the employer were not providing him with meals or board and lodging, and

(3) if he were paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration

is payable and at the same rate for any work for the same employer for which such remuneration is not payable,

and in this definition "appropriate proportion" means—

where the worker's normal working week is six days	...	one-sixth
" " " " " "	five days	... one-fifth
" " " " " "	four days	... one-quarter
" " " " " "	three days	... one-third
" " " " " "	two days	... one-half
" " " " " "	one day	... the whole.

"SHOP ASSISTANT" means a worker who is wholly or mainly engaged in the serving of customers.

"SHOP MANAGER", "SHOP MANAGERESS" means a worker who is employed at, and is normally immediately in charge of the operation of, an undertaking or branch (but not of a department of an undertaking or branch), including the custody of cash and stock, and, if employed in the London Area or in Provincial A Area, has immediate control of Staff, if any, or, if employed in Provincial B Area, has immediate control of at least one full-time or two part-time staff; and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of an undertaking or branch by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the undertaking or branch is open to the public, wholly or mainly engaged in work at the undertaking or branch.

"STOCKHAND" means a worker employed in a shop or in a warehouse operated in connection with a shop, and wholly or mainly engaged in the reception, checking and re-issuing of goods together with the keeping of records in connection therewith.

"TEMPORARY SHOP MANAGER", "TEMPORARY SHOP MANAGERESS" means a worker who, in the absence of the Shop Manager or Shop Manageress as the case may be, is employed at and is temporarily immediately in charge of the operation of an undertaking or branch (but not of a department of an undertaking or branch) including the custody of cash and stock, whilst the worker is so in charge; and for the purpose of this definition a worker shall not be deemed not to be immediately in charge of the operation of an undertaking or branch by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally, during the hours when the undertaking or branch is open to the public, wholly or mainly engaged in work at the undertaking or branch.

"TIME-AND-A-HALF" and "DOUBLE TIME" mean, respectively, one and a half times and twice the hourly rate obtained by dividing by 44 the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3, 4 or 5.

"TRANSPORT WORKER" means a male worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

"VAN SALESMAN" means a worker wholly or mainly employed in the sale of goods to customers from a van or other vehicle.

"WATCHMAN" means a worker wholly or mainly engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

"WEEK" means pay week.

“WEEKLY SHORT DAY” means:—

- (1) that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon, or,
- (2) where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect; or, failing such notification, the last working day in the week which is not a customary holiday:

Provided that where the day specified in (1) of this definition falls on Christmas Day or Boxing Day in England and Wales or Christmas Day or New Year's Day in Scotland the employer may fix as the weekly short day for that week a working day in the following week not being either a customary holiday or the weekly short day for that following week.

AREAS

21. In this Schedule:—

(1) “LONDON AREA” means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.

(2) “PROVINCIAL A AREA” means

(a) In Scotland

(i) the following burghs:—

ABERDEEN COUNTY Aberdeen (including part in Kincardine County) Fraserburgh Peterhead	BUTE COUNTY Rothesay	INVERNESS COUNTY Inverness
ANGUS COUNTY Arbroath Brechin Dundee Forfar Montrose	CLACKMANNAN COUNTY Alloa	KINCARDINE COUNTY Stonehaven
ARGYLL COUNTY Dunoon	DUMFRIES COUNTY Dumfries	LANARK COUNTY Airdrie Coatbridge Glasgow Hamilton Lanark Motherwell and Wishaw
AYR COUNTY Ardrossan Ayr Irvine Kilmarnock Largs Prestwick Saltcoats Troon	DUNBARTON COUNTY Clydebank Dumbarton Helensburgh Kirkintilloch Milngavie	RUTHERGLEN MIDLOTHIAN COUNTY Dalkeith Edinburgh Musselburgh
BANFF COUNTY Buckie	EAST LOTHIAN COUNTY North Berwick	MORAY COUNTY Elgin
	FIFE COUNTY Buckhaven and Methil Burntisland Cowdenbeath Dunfermline Kirkcaldy Leven Lochgelly St. Andrews	ORKNEY COUNTY Kirkwall
		PERTH COUNTY Perth

RENFREW COUNTY Barrhead Gourock Greenock Johnstone Paisley Port Glasgow Renfrew	ROXBURGH COUNTY Hawick	WEST LOTHIAN COUNTY Armadale Bathgate Bo'ness
ROSS AND CROMARTY COUNTY Stornoway	SELKIRK COUNTY Galashiels	WIGTOWN COUNTY Stranraer
	STIRLING COUNTY Denny and Dunipace Falkirk Grangemouth Kilsyth Stirling	ZETLAND COUNTY Lerwick

(ii) the following Special Lighting Districts, the boundaries of which have been defined, namely, Vale of Leven and Renton in the County of Dunbarton, and Larbert in the County of Stirling, and

(iii) the following areas the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely, Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.

(b) In England and Wales, the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (3)(b) of this paragraph.

(3) "PROVINCIAL B AREA" means

(a) In Scotland, all areas other than those listed in (2)(a) of this paragraph ;

(b) In England and Wales, all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE Ampthill Sandy	CORNWALL Bodmin Bude Stratton Fowey Helston Launceston Liskeard Looe Lostwithiel Padstow Penryn St. Just Torpoint	DEVONSHIRE Ashburton Axminster Buckfastleigh Budleigh Salterton Crediton Dartmouth Great Torrington Holsworthy Honiton Kingsbridge Lynton Northam Okehampton Ottery St. Mary Salcombe Seaton South Molton Tavistock Totnes
BERKSHIRE Wallingford Wantage	DERBYSHIRE Bakewell Whaley Bridge Wirksworth	
BUCKINGHAMSHIRE Buckingham Linslade Marlow Newport Pagnell		
CHESHIRE Alsager Longdale		

DORSETSHIRE

Blandford Forum
Lyme Regis
Shaftesbury
Sherborne
Wareham
Wimborne Minster

DURHAM

Barnard Castle
Tow Law

ELY, ISLE OF

Chatteris

ESSEX

Brightlingsea
Burnham-on-Crouch
Saffron Walden
West Mersea
Wivenhoe

GLOUCESTERSHIRE

Nailsworth
Tewkesbury

HEREFORDSHIRE

Bromyard
Kington
Ledbury

HERTFORDSHIRE

Baldock
Chorleywood
Royston
Sawbridgeworth
Stevenage

HUNTINGDONSHIRE

Godmanchester
Huntingdon
Ramsey
St. Ives
St. Neots

KENT

Lydd
New Romney
Queenborough
Sandwich
Tenterden

LANCASHIRE

Carnforth
Grange

**LINCOLNSHIRE (Parts
of Kesteven)**

Bourne

**LINCOLNSHIRE (Parts
of Lindsey)**

Alford
Barton-upon-Humber
Brigg
Horncastle
Mablethorpe and Sutton
Market Rasen
Woodhall Spa

NORFOLK

Cromer
Diss
Downham Market
New Hunstanton
North Walsham
Sheringham
Swaffham
Thetford
Wells
Wymondham

**NORTHAMPTON-
SHIRE**

Brackley
Burton Latimer
Higham Ferrers
Oundle

NORTHUMBERLAND

Alnwick
Amble

OXFORDSHIRE

Bicester
Chipping Norton
Thame
Woodstock

RUTLANDSHIRE

Oakham

SHROPSHIRE

Bishop's Castle
Church Stretton
Ellesmere
Market Drayton
Newport
Wem

SOMERSETSHIRE

Chard
Crewkerne
Glastonbury
Ilminster
Portishead
Shepton Mallet
Street
Watchet
Wellington

SUFFOLK

Aldeburgh
Beccles
Bungay
Eye
Hadleigh
Halesworth
Haverhill
Leiston-cum-Sizewell
Saxmundham
Southwold
Sudbury
Stowmarket
Woodbridge

SUSSEX

Arundel
Burgess Hill
Rye

WESTMORLAND

Appleby
The Lakes

WILTSHIRE

Bradford-on-Avon
Calne
Malmesbury
Marlborough
Melksham
Westbury
Wilton

WORCESTERSHIRE

Bewdley
Droitwich

YORKSHIRE

Hedon
Hornsea
Malton
Norton
Pickering
Richmond
Tickhill
Withernsea

WALES AND MONMOUTHSHIRE

ANGLESEY Amlwch Beaumaris Llangefni Menai Bridge	CARMARTHENSHIRE Cwmaman Kidwely Llandilo Llandovery Newcastle Emlyn	MONMOUTHSHIRE Caerleon Chepstow Usk
BRECKNOCKSHIRE Builth Wells Hay Llanwrtyd	DENBIGHSHIRE Llangollen Llanrwst Ruthin	MONTGOMERYSHIRE Llanfyllin Llanidloes Machynlleth Montgomery Newtown and Llanllwchaiarn Welshpool
CAERNARVONSHIRE Bethesda Bettws-y-Coed Criccieth Llanfairfechan Penmaenmawr Portmadoc Pwllheli	FLINTSHIRE Buckley Mold	PEMBROKESHIRE Fishguard and Goodwick Narberth Neyland Tenby
CARDIGANSHIRE Aberayron Cardigan Lampeter New Quay	GLAMORGANSHIRE Cowbridge	RADNORSHIRE Knighton Llandrindod Wells Presteign
	MERIONETHSHIRE Bala Barmouth Dolgelley Towyn	

(4) Any reference to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

22.—(1)—(i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in Great Britain in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

- (a) wholly or mainly in the retail furnishing and allied trades; or
- (b) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix to this paragraph, and to a greater extent in the retail furnishing and allied trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purposes of this sub-paragraph

- (a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades, regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;
- (b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

- (i) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Council;

- (ii) workers employed on post office business ;
 - (iii) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners) ;
 - (iv) workers employed on the installation, maintenance or repair of radio or television sets ;
 - (v) workers employed on the repair or renovation of furniture (including mattresses), the making up, planning or laying of carpets, linoleum or similar floor coverings, or the measuring, cutting, sewing, making up or fixing of blinds, curtains, pelmets or loose covers ;
 - (vi) workers employed on the packing, storing or removal of furniture or other household effects in connection with a household removal ;
 - (vii) workers employed in the assembling, installation, maintenance, alteration or repair of electrical or gas appliances and apparatus of all kinds ;
 - (viii) workers employed by a Gas or Electricity Supply Undertaking ;
 - (ix) workers employed as watchmen.
- (3) For the purpose of this Schedule the retail furnishing and allied trades consist of :—
- (i) the sale by retail of :—
 - (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures ;
 - (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements ;
 - (c) hand tools ;
 - (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments ;
 - (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof ;
 - (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof ;
 - (g) radio and television sets and their accessories and component parts ;
 - (h) pedal cycles and their accessories and component parts ;
 - (i) perambulators, push chairs and invalid carriages ;
 - (j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing ;
 - (k) saddlery, leather goods (other than articles of wearing apparel), travel goods and ladies' handbags ;
 - (l) paint, distemper and wallpaper and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils) ;
 - (m) brushes, mops and brooms, used for household purposes, and similar articles ;
 - (n) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes ;
 - (ii) operations in or about the shop or other place where any of the articles specified in (i) of this sub-paragraph are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

- (iii) operations in connection with the warehousing or storing of any of the articles specified in (i) of this sub-paragraph for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (iv) operations in connection with the transport of any of the articles specified in (i) of this sub-paragraph when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (iii) of this sub-paragraph ; and
- (v) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (i) of this sub-paragraph and relating to such sale or to any of the operations specified in (ii) to (iv) of this sub-paragraph ;

and for the purpose of this definition the sale by retail of any of the articles specified in (i) of this sub-paragraph does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

APPENDIX TO PARAGRAPH 22

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1.—The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

- (i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail ;
- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above ; and
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above ;

but not including

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2.—The Retail Drapery, Outfitting and Footwear Trades, that is to say—

- (1) the sale by retail of
 - (a) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);
 - (b) haberdashery;
 - (c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering);
 - (d) knitting, rug, embroidery, crochet and similar wools or yarns;
 - (e) made-up household textiles (but excluding mattresses and floor coverings);
 - (f) umbrellas, sunshades, walking sticks, canes and similar articles;
- (2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 3.—The Retail Bookselling and Stationery Trades, that is to say—

- (1) the sale by retail of the following articles:—
 - (a) books (excluding printed music and periodicals);
 - (b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;
 - (c) pens, pencils, ink, blotting paper and similar articles;
 - (d) maps and charts;
 - (e) wrapping and adhesive paper, string, paste and similar articles;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

Group 4.—The Retail Newsagency, Tobacco and Confectionery Trades, that is to say—

- (1) the sale by retail of the following articles:—
 - (a) newspapers, magazines and other periodicals ;
 - (b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;
 - (c) articles of sugar confectionery and chocolate confectionery and ice-cream ;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 7th September 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration fixed, and holidays provided for, by the Wages Regulation (Retail Furnishing and Allied Trades) Order 1962 (Order R.F.A. (38)), as amended by the Wages Regulation (Retail Furnishing and Allied Trades) (Amendment) Order 1963 (Order R.F.A. (40)), which Orders are revoked.

New provisions are printed in italics.

 STATUTORY INSTRUMENTS

1964 No. 1215

COUNTY COURTS

The County Court Districts (Haltwhistle) Order 1964

Made - - - - - 28th July 1964
 Coming into Operation 1st October 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 2 of the County Courts Act 1959(a), do hereby order as follows:—

1.—(1) The holding of the Haltwhistle County Court shall be discontinued, and the parishes mentioned in the first column of the Schedule to this Order (being the parishes constituting the district of that Court) shall be transferred to and form part of the county court districts set opposite their names in the second column of that Schedule.

(2) The Hexham County Court shall have jurisdiction in the case of proceedings commenced in the Haltwhistle County Court before this Order comes into operation.

2.—(1) The County Court Districts Order 1949(b), as amended(c), shall have effect as further amended by this Order.

(2) This Order may be cited as the County Court Districts (Haltwhistle) Order 1964 and shall come into operation on 1st October 1964.

Dated 28th July 1964.

Dilhorne, C.

SCHEDULE

Bardon Mill	}	Hexham
Coanwood		
Featherstone		
Greenhead		
Haltwhistle		
Henshaw		
Melkridge		
Plenmeller with Whitfield		
Thirlwall	}	Carlisle
Alston with Garrigill		
Hartleyburn		
Slaggyford		

(a) 7 & 8 Eliz. 2. c. 22.

(b) S.I. 1949/2058 (1949 I, p. 955).

(c) The relevant amending instrument is S.I. 1955/1342 (1955 I, p. 525).

1964 No. 1216 (S. 81)

POLICE

The Police (Appeals) (Scotland) Rules 1964

<i>Made</i> - - - -	28th July 1964
<i>Laid before Parliament</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

In exercise of the powers conferred on me by section 11c of, and paragraph 5 of Schedule 1A to, the Police (Scotland) Act 1956(a) as amended by the Police Act 1964(b) I hereby make the following rules:—

1.—(1) These rules may be cited as the Police (Appeals) (Scotland) Rules 1964 and shall come into operation on 1st August 1964.

(2) In these rules, which shall apply to all appeals by members of a police force in Scotland under section 11c of the Police (Scotland) Act 1956, the expressions “appellant” and “respondent” shall have the same meaning as in the Act.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

2. Notice of Appeal to the Secretary of State shall be given in the form set out in the Schedule to these rules.

3. The Notice of Appeal shall be sent to the Secretary of State within ten days from the date on which the appellant received notification of the decision against which he desires to appeal.

Provided that where the Secretary of State is satisfied, on the application of the appellant, that by reason of the special circumstances of the case it is just and right that an appeal should be entertained after the expiration of the period aforesaid, the Notice of Appeal shall be sent to the Secretary of State by such date as he may fix.

4. The Notice of Appeal sent to the Secretary of State shall be accompanied by (a) a statement setting out fully on what grounds the appeal is made and (b) any documentary evidence which the appellant may desire to submit. A copy of the Notice of Appeal, of the relative statement and of any documentary evidence submitted shall be sent to the respondent at the same time.

5. The respondent shall, within ten days of the date of receipt of the copy of the Notice of Appeal and relative statement and documentary evidence referred to in Rule 4 of these rules, send to the Secretary of State a statement,

(a) 4 & 5 Eliz. 2. c. 26.

(b) 1964 c. 48.

(c) 52 & 53 Vict. c. 63.

signed and dated, saying whether the appeal is opposed, and, if so, setting out fully on what grounds. The statement shall contain any representations which the respondent may desire to submit with regard to the information furnished by the appellant. It shall also contain a list of any documents which may accompany it in terms of Rule 6 of these rules and an intimation whether, in the event of an inquiry being held, the respondent desires to appear in person or to be represented by a legal or other representative. A copy of the statement and of any documents which may accompany it of which the appellant does not already possess a copy shall be sent to the appellant, and the statement shall contain a declaration that a full and true copy of the statement and of such accompanying documents has been sent to the appellant.

6. The statement sent by the respondent to the Secretary of State shall be accompanied by (a) any documentary evidence which the respondent may desire to submit (b) a certified copy of the personal record of the appellant as provided for in the Police (Scotland) Regulations 1956(a), as amended by the Police (Scotland) Amendment Regulations 1964(b), and if the appellant was punished for an offence against the Discipline Code, a certified copy of the discipline form as provided for in the Police (Discipline) (Scotland) Regulations 1952(c).

7. Unless the Secretary of State decides that an inquiry shall not be held, he shall send to the Sheriff the Notice of Appeal, the statements by the appellant and respondent and the other documents referred to in Rules 4 and 6 of these rules, and the appellant and respondent shall be informed when this has been done.

8. The Sheriff, if he considers it necessary or expedient for the due prosecution of the inquiry, may appoint the parties to revise and finally adjust their respective statements before proceeding to hold the inquiry.

9. The Sheriff shall appoint a day for the holding of the inquiry, not being less than seven days from the date on which the documents are received by him, and shall inform the appellant and respondent of the day so appointed.

10. The appellant may, at any time before the day appointed for the holding of the inquiry, withdraw his appeal by giving notice in writing to the Secretary of State.

11. The appellant shall have the right to be represented at the inquiry by a serving member of a police force or by counsel or a solicitor.

12. The respondent shall have the right to be represented at the inquiry by an officer of the police force or by the clerk or other officer of the police authority, or by counsel or a solicitor.

13. Unless the Sheriff otherwise directs, the inquiry shall be held in private.

14. Unless the Secretary of State otherwise directs, a shorthand note of the evidence given at the inquiry shall be taken.

(a) S.I. 1956/1999 (1956 II, p. 1766).

(b) S.I. 1964/149 (1964 I, p. 274).

(c) S.I. 1952/1356 (1952 II, p. 2582).

15. The Sheriff shall include in his report (a) a statement of the facts admitted or found to be proved (b) a statement of his opinion whether the punishment awarded was warranted by the facts and, if not, what other punishment (if any) ought to have been awarded (c) when the appeal is against punishment by dismissal, by being required to resign, or by reduction in rank a recommendation as to whether, if the Secretary of State orders the appellant to be reinstated in the force or in his rank, such reinstatement should take effect with full pay as from the date of the appellant's suspension, dismissal, resignation or reduction in rank, as the case may be and (d) a recommendation as to whether the appellant should be required to pay any, and if so what part, or the whole, of his own costs of the appeal.

16. The report of the inquiry, and four copies thereof, shall be submitted to the Secretary of State as early as may be after the termination of the inquiry, together with the shorthand notes of evidence. The Notice of Appeal, the statements by the appellant and respondent, and the other documents referred to in Rules 4 and 6 of these rules shall be returned to the Secretary of State at the same time.

17. Where any notice, statement or other document is required by these rules to be sent by or to the Secretary of State or other person or authority, it shall be a sufficient compliance with these rules if such notice, statement or other document is posted, within such time (if any) as is prescribed by these rules, in a letter for recorded delivery service directed, in the case of a letter to the Secretary of State, to the Secretary, Scottish Home and Health Department, St. Andrew's House, Edinburgh, 1, and in any other case to the person for whom it is intended at his usual office or other ordinary address.

18. If any question arises as to the proper compliance with any provision of these rules it shall be determined by the Secretary of State whose decision shall be final.

19. The Police (Appeals) (Scotland) Rules 1943(a), the Police (Appeals) (Scotland) Rules 1944(b), and the Police (Appeals) (Scotland) Rules 1952(c) are hereby revoked in respect of any punishment imposed after 31st July 1964.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

28th July 1964.

(a) S.R. & O. 1943/481 (Rev. XVIII, p. 247: 1943 I, p. 827).
(b) S.R. & O. 1944/1019 (Rev. XVIII, p. 247: 1944 I, p. 839).
(c) S.I. 1952/1386 (1952 II, p. 2581).

SCHEDULE

Form of Notice of Appeal to the Secretary of State

I, on
19..., while holding the rank of.....
 in the.....police force was punished by
 being
 on the ground that.....

Give name and number.

Insert the punishment awarded.

Here state the charge or charges under the Discipline Code or such other grounds, if any, as were given for the punishment.

I received notification of the decision on.....
 and acknowledged having received the decision on.....

I appeal against the said finding and punishment
punishment on the grounds fully set out
 in the accompanying statement.

This Notice of Appeal is accompanied by the following documentary evidence which I desire to submit:—

Omit if unnecessary.

- (1)
- (2)
- (3)

Give brief particulars, e.g., "letter of 10th August 1964 from Chief Constable".

At the date on which I was so punished I was in receipt of pay at the rate of
 £ : : per week.
per annum.

Omit if there was a period of suspension immediately prior to the punishment.

Before being so punished I was suspended on.....
19..., at which date I was in receipt of pay at the rate

Omit if there was no period of suspension immediately prior to the punishment.

of £ : : per week.
per annum. While suspended I received suspension
 allowance at the rate of £ : : per week.
per annum. After being sus-

pended I was notified that my period of suspension would be deducted in
was not reckoning my approved service for the purposes of pension.

I declare that a full and true copy of this Notice of Appeal, of the accompanying
 statement setting out fully on what grounds the appeal is made and of the
 documentary evidence was sent to.....as or on
 behalf of the respondent, on.....

Give address to which sent. Give dates on which sent.

Signature.....

Address.....

Date.....19...

EXPLANATORY NOTE

(This Note is not part of the rules, but is intended to indicate their general purport.)

These rules relate to the procedure to be followed on police disciplinary appeals, and at inquiries in connection with appeals, under the Police (Scotland) Act 1956 as amended by the Police Act 1964. They replace the Police (Appeals) (Scotland) Rules 1943, as amended by the Police (Appeals) (Scotland) Rules 1944 and 1952, with certain amendments primarily to take account of the changes provided for in the Police Act 1964, including the provision of an unqualified right for both appellant and respondent to be represented at an inquiry by counsel or a solicitor.

 STATUTORY INSTRUMENTS

1964 No. 1217

OVERSEAS SERVICE

The Governors' Pensions (Maximum Amounts) Order 1964

<i>Made</i>	27th July 1964
<i>Laid before the House of Commons</i>	31st July 1964
<i>Coming into Operation</i>	1st August 1964

The Treasury, in exercise of the powers conferred upon them by sections 3(3), 9(2) and 16(1) of the Governors' Pensions Act 1957(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling them in that behalf, hereby make the following Order:—

1. The sum of five thousand one hundred pounds is hereby specified for the purposes of section 3 of the Act (which relates to the maximum amount of a pension under the Act).

2. The sum of seven thousand six hundred and fifty pounds is hereby specified for the purposes of section 9 of the Act (which relates to death gratuities).

3. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. The Governors' Pensions (Maximum Amounts) Order 1962(c) is hereby revoked.

5. This Order may be cited as the Governors' Pensions (Maximum Amounts) Order 1964 and shall come into operation on 1st August 1964.

John Hill,

Martin McLaren,

Two of the Lords Commissioners of
Her Majesty's Treasury.

27th July 1964.

 EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order increases the maximum amount of a Governor's pension from £4,666 13s. 4d. to £5,100 a year and of a gratuity payable in respect of a Governor dying in office from £7,000 to £7,650.

(a) 5 & 6 Eliz. 2. c. 62. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/149 (1962 1, p. 160).

1964 No. 1220

SEEDS

The Seed Potatoes (Retail Sales) General Licence (No. 2) 1964

Made - - - - - 23rd July 1964
Coming into Operation 17th August 1964

Whereas section 1 of the Seeds Act 1920(a) and Regulations 11(1) and 11(2) of the Seed Potatoes Regulations 1963(b) require the seller of seed potatoes to deliver to the purchaser within the time therein stated a sale note, delivery note, invoice or other document containing certain particulars,

And Whereas the Minister of Agriculture, Fisheries and Food is satisfied that the circumstances connected with the sale by retail of seed potatoes are such that compliance with the provisions of the said Regulations 11(1) and 11(2), so far as they relate to the sale by retail of quantities comprising not more than 2 hundredweights of any one variety of seed potatoes (not being sales where compliance with such provisions is exempted by virtue of Regulation 11(3) of the aforesaid Regulations) cannot reasonably be enforced and that an exemption should be granted so as to apply generally to all persons as regards such provisions in relation to such sales, subject to the requirements of this licence,

Now the Minister of Agriculture, Fisheries and Food in exercise of the powers vested in him by section 1(7) of the Seeds Act 1920 and of all other powers enabling him in that behalf and in accordance with Regulation 14 of the Seed Potatoes Regulations 1963 hereby grants the following licence:

1. This licence, which may be cited as the Seed Potatoes (Retail Sales) General Licence (No. 2) 1964 shall come into operation on 17th August 1964 and shall cease to have effect on 31st July 1965.

2. On the sale by retail of a quantity of seed potatoes comprising not more than 2 hundredweights of any one variety (not being a sale where compliance with the requirements hereinafter mentioned is otherwise exempted) the seller is hereby exempted from compliance with the requirements of Regulations 11(1) and 11(2) of the Seed Potatoes Regulations 1963 Provided that the potatoes are sold in new containers upon each of which has been printed, or otherwise legibly and indelibly marked, or attached to each of which is a label marked with, the particulars referred to in sub-paragraphs (1)(a) to (e) inclusive of the said Regulation 11, and also, in the case of certified seed potatoes, the particulars referred to in sub-paragraphs (2)(a) and (b) of the said Regulation.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1964.

(L.S.)

Christopher Soames,
 Minister of Agriculture, Fisheries and Food.

(a) 10 & 11 Geo. 5. c. 54.

(b) S.I. 1963/1374 (1963 II, p. 2365).

EXPLANATORY NOTE

(This Note is not part of the licence, but is intended to indicate its general purport.)

The Seed Potatoes Regulations 1963 require certain particulars to be given, on or after the sale of seed potatoes, in a document. There is an exemption from this requirement where less than 1 cwt. of potatoes are sold by retail in new containers marked or labelled with the particulars.

This licence extends the exemption to all sales, in like circumstances, of quantities not exceeding 2 cwt. of a single variety.

1964 No. 1222

WAGES COUNCILS

The Wages Regulation (Button Manufacturing) Order 1964

Made - - - - - 28th July 1964
Coming into Operation 14th August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Button Manufacturing Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Button Manufacturing) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 14th August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Button Manufacturing) Order 1962(c), shall cease to have effect.

Dated 28th July 1964.

Joseph Godber,
 Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/1677 (1962 II, p. 2033).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Button Manufacturing) Order 1962(a) (Order V.(61)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part V is—

(a) in the case of a worker other than an outworker,

(i) where the worker is employed on time work, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;

(ii) where the worker is employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule ;

(b) in the case of an outworker,

(i) where a general minimum piece rate applies under Part IV of this Schedule, that rate ;

(ii) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part IV of this Schedule.

(2) In this Schedule the expression "outworker" means a worker who works in his own home or in any other place that is not under the control or management of the employer.

PART II

MALE WORKERS OTHER THAN OUTWORKERS

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to male workers (other than outworkers) are as follows:—

							Per hour	
							s.	d.
Aged 21 years or over	...	...	...	...	...	...	4	0
" 20 and under 21 years	...	...	...	...	...	...	3	7½
" 19 " " 20 "	...	...	...	...	...	...	3	4½
" 18 " " 19 "	...	...	...	...	...	...	3	1½
" 17 " " 18 "	...	...	...	...	...	...	2	7
" 16 " " 17 "	...	...	...	...	...	...	2	4
" under 16 years	...	...	...	...	...	...	2	1½

PIECE WORK BASIS TIME RATE

Per hour
s. d.

3. The piece work basis time rate applicable to a male worker of any age (other than an outworker) employed on piece work is ... 4 6½

PART III

FEMALE WORKERS OTHER THAN OUTWORKERS

GENERAL MINIMUM TIME RATES

4. The general minimum time rates payable to female workers (other than outworkers) are as follows:—

								Per hour
								s. d.
Aged 18 years or over	...	...	...	...	...	...	...	3 0½
" 17 and under 18 years	...	...	...	...	...	...	...	2 7½
" 16 " " 17 "	...	...	...	...	...	...	...	2 4
" under 16 years	...	...	...	...	...	...	...	1 11½

PIECE WORK BASIS TIME RATE

5. The piece work basis time rate applicable to a female worker of any age employed on piece work (other than an outworker) is ...
- | | | | | | | | | Per hour |
|--|--|--|--|--|--|--|--|----------|
| | | | | | | | | s. d. |
| | | | | | | | | 3 2½ |

PART IV

OUTWORKERS

GENERAL MINIMUM PIECE RATES

6. The following general minimum piece rates are payable to an outworker where the materials for sewing the buttons by hand are provided by the employer and the worker actually performs the work:—

- (1) The carding of linen buttons—

								Per 100 gross of buttons
								s. d.
(a) For cards containing not more than 1½ dozen buttons per card	...	...	...	...	...	...	...	40 0
(b) For cards containing more than 1½ dozen buttons per card	...	...	...	...	...	...	...	34 6

- (2) The carding of other buttons—

								Per gross of buttons	
								Sew through	Shanks
								s. d.	s. d.
12 buttons or over per card	...	...	...	...	...	...	...	7	8
5—11 buttons per card	...	...	...	...	...	...	...	8	9
3—4 " " "	...	...	...	...	...	...	...	10	11
1—2 " " "	...	...	...	...	...	...	...	1 0	1 1½

Provided that where perforated or sectional cards are used the above rates shall apply to each section or knotting off or fastening off.

PIECE WORK BASIS TIME RATE

7. The piece work basis time rates applicable to all outworkers employed on piece work, other than those to whom the general minimum piece rates set out in paragraph 6 apply is ...
- | | | | | | | | | Per hour |
|--|--|--|--|--|--|--|--|----------|
| | | | | | | | | s. d. |
| | | | | | | | | 2 4 |

PART V

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

TIME WORKERS

8.—(1) Subject to the provisions of this paragraph, the following minimum overtime rates are payable to male or female workers (other than outworkers) employed on time work:—

(a) on a Saturday, not being a customary holiday—
for all time worked in excess of 5 hours ... TIME-AND-A-QUARTER

(b) on a Sunday or a customary holiday—
for all time worked DOUBLE TIME

(c) in any week exclusive of any time in respect of
which a minimum overtime rate is payable under
the provisions of (a) or (b) above—

for all time worked in excess of 42 hours ... TIME-AND-A-QUARTER

(2) Where the employer normally requires attendance on Sunday instead of Saturday, for the purposes of this paragraph (except where in the case of a woman or young person such substitution is unlawful) Saturday shall be treated as a Sunday and Sunday as a Saturday.

FEMALE PIECE WORKERS

9. The following minimum overtime rates are payable to female workers (other than outworkers) employed on piece work for all time worked in excess of 42 hours in any week:—

(i) Piece rates each of which would yield, in the circumstances of the case, at least 3s. 2½d. per hour to an ordinary worker and in addition thereto,

(ii) a time rate of 1d. per hour.

10. In this Part of this Schedule,

(1) the expression "customary holiday" means:—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday; and

three other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day;

(2) the expressions "time-and-a-quarter" and "double time" mean, respectively, one and a quarter times and twice the general minimum time rate otherwise payable to the worker.

WAITING TIME

- 11.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances :—
- (a) without the employer's consent, express or implied ;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
 - (c) by reason only of the fact that he is resident thereon ;
 - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if the worker were a time worker.

PART VI

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

12. This Schedule applies to workers in relation to whom the Button Manufacturing Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Button Manufacturing Trade, Great Britain) (Constitution and Proceedings) Regulations 1938(a), which reads as follows :—

“ Schedule

1. Subject to the provisions of this Schedule the following operations and processes shall constitute the Button Manufacturing Trade :—
- (a) All processes and operations in the making from any material other than precious metals and precious stones of buttons, button-moulds, metal fancy buttons, button-headed studs, upholsterers' buttons or upholsterers' button-headed nails (excluding in all cases, except as hereinafter provided, the making of the shanks), or in the covering of button-moulds ;
 - (b) All processes and operations in the making of the following articles when done in association with or in conjunction with the work specified in sub-paragraph (a) above—
 - (i) shanks ;
 - (ii) studs, links or parts thereof from any material other than metal ;
 - (iii) clasps, slides, ornaments and similar articles used on wearing apparel when such articles are made—
 - (1) wholly or mainly from any material other than metal, and
 - (2) in a branch or department in which articles mentioned in sub-paragraph (a) are made or carded ;
 - (c) (i) the carding wherever carried on of any of the articles specified in sub-paragraph (a) above ;
 - (ii) the carding of any of the articles specified in sub-paragraph (b) above, except when done apart from any of the making which is included in the trade herein specified and from the carding of articles specified in sub-paragraph (a) ;
 - (d) The manufacture of metal small-wares as specified in Paragraphs (1) to (6) of the Appendix to the Trade Boards (Stamped or Pressed Metal-Wares) Order 1924(b)*, when carried on in an establishment mainly engaged in any of the processes or operations mentioned above ;

(a) S.R. & O. 1938/1497 (1938 II, p. 3238).

(b) S.R. & O. 1924/832 (1924, p. 1753).

- (e) All processes and operations in the (i) assembling, or (ii) finishing of articles specified above when done in association with or in conjunction with any of the above-mentioned processes or operations ;
- (f) All processes and operations in the warehousing, packing or despatching of any of the articles specified above when done in association with or in conjunction with any of the above-mentioned processes or operations.

2. Notwithstanding anything in this Schedule the following processes or operations shall not be processes or operations of the Button Manufacturing Trade :—

- (a) The manufacture of wooden button-moulds where not carried on in association with or in conjunction with button-making ;
- (b) The making of buttons or the covering of button-moulds in an establishment in which (i) such work is performed in association with or in conjunction with the making of wearing apparel and (ii) the majority of the buttons made or of the button-moulds covered are for use on such wearing apparel ;
- (c) The making of buttons or the covering of button-moulds when done in association with or in conjunction with the manufacture of embroidery and trimmings, unless such making of buttons or covering of button-moulds is done (i) by machine process and (ii) in a separate department by workers exclusively engaged thereon ;
- (d) The processes or operations specified in Paragraph 1 above when performed in an establishment mainly engaged in the manufacture of articles of real or imitation jewellery except when performed by a worker who during the whole time that he works in any week in such establishment is wholly or mainly employed on such processes or operations ;
- (e) Any work which by Paragraph (7) of the Appendix to the Trade Boards (Stamped or Pressed Metal-Wares) Order 1924*, is included in the Stamped or Pressed Metal-Wares Trade."

* (Paragraphs (1) to (7) of the Appendix to the Trade Boards (Stamped or Pressed Metal-Wares) Order 1924, referred to in the Schedule to the Trade Boards (Button Manufacturing Trade, Great Britain) (Constitution and Proceedings) Regulations 1938, set out above are as follows :—

- (1) The manufacture from metal in sheet or strip form by cold stamping or cold pressing of articles known in the trade as metal small wares ;
- (2) the cutting, shearing, annealing and hardening of metal in an establishment in which the metal is used for such manufacture ;
- (3) the covering of corset steels prior to capping or tipping in an establishment in which the steels are capped or tipped ;
- (4) finishing (including dipping, nickelling, plating, tinning, japanning, stove-enamelling, lacquering, bronzing, colouring, painting, varnishing, barrelling, burnishing, grinding, planishing, polishing, and the capping, counting, lopping, studding, or tipping of corset busks or steels) and similar operations when done in conjunction with such manufacture ;
- (5) viewing, inspecting, testing, sorting, boxing, carding, carrying, delivering, despatching, labelling, packeting, packing, portering, warehousing, weighing and similar processes or operations when done in conjunction with such manufacture ;
- (6) the assembling of the above-mentioned wares or parts thereof, whether the things assembled are made inside or outside Great Britain ; and

- (7) any process or operation which is included in the Button-making Trade, as defined for the purposes of the Trade Boards Acts, when carried on in an establishment mainly engaged in any of the processes or operations defined in the preceding paragraphs hereof.)
-

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 14th August 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Button Manufacturing) Order 1962 (Order V.(61)) which is revoked.

New provisions are printed in italics.

1964 No. 1223 (S. 82)

SEEDS

The Seed Potatoes (Scotland) Amendment Regulations 1964

<i>Made - - - -</i>	<i>28th July 1964</i>
<i>Laid before Parliament</i>	<i>5th August 1964</i>
<i>Coming into Operation</i>	<i>17th August 1964</i>

In exercise of the powers conferred upon me by section 7 of the Seeds Act 1920(a) as amended and extended by section 24 of the Agriculture (Miscellaneous Provisions) Act 1963(b) and of all other powers enabling me in that behalf and after consultation with representatives of the interests concerned I hereby make the following Regulations:—

Citation and Commencement

1.—(1) These Regulations, which may be cited as the Seed Potatoes (Scotland) Amendment Regulations 1964, shall come into operation on 17th August 1964.

(2) These Regulations and the Seed Potatoes (Scotland) Regulations 1963(c) (hereinafter referred to as “the principal Regulations”) may be cited together as the Seed Potatoes (Scotland) Regulations 1963 to 1964.

Amendment of Principal Regulations

2. The principal Regulations are hereby amended as follows:—

- (a) In Regulation 7(2) the words “have inserted in it a label marked with the following particulars or” shall be omitted.
- (b) In Regulation 7(3) for the date “1st July 1964” there shall be substituted the date “1st August 1965”.
- (c) In Regulation 9(2) the words “or inserted in it” shall be omitted.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
28th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Seed Potatoes (Scotland) Regulations 1963 by withdrawing from a seller of seed potatoes the option to give certain particulars on a label inserted in the bag or sack instead of giving them on a label attached to the bag or sack or marking them on the bag or sack itself. The amendment does not apply in a case where less than 1 cwt. of potatoes is sold by retail.

Where delivery of seed potatoes is effected before 1st August 1965 the Regulations also permit certain other particulars to be given on a label attached to the bag or sack instead of being marked on the bag or sack itself. This too does not apply where less than 1 cwt. of potatoes is sold by retail.

 STATUTORY INSTRUMENTS

1964 No. 1226

AGRICULTURE

**The Price Stability of Imported Products (Country Levy)
Order 1964**

Made - - - - 30th July 1964
Coming into Operation 31st July 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5) and (6) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Country Levy) Order 1964; and shall come into operation on 31st July 1964.

2.—(1) In this order—

“the Principal Order” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c), and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ; AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of country levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th July 1964.

(L.S.)

Christopher Soames,
 Minister of Agriculture, Fisheries
 and Food.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).
 (c) S.I. 1964/989, 1146 (1964 II, pp. 2229, 2570). (d) 52 & 53 Vict. c. 63.

SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of Country Levy
10.01	Imports of :— Any wheat, other than denatured wheat, which has been grown in the French Republic and consigned to the United Kingdom from that country.	per ton £ s. d. 5 0

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which comes into operation on 31st July 1964, fixes a rate of country levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of wheat, other than denatured wheat, grown in France and consigned to the United Kingdom from that country.

1964 No. 1227 (S. 83)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Sheriff Court Fees Amendment) 1964

<i>Made</i> - - - -	21st July 1964
<i>Laid before Parliament</i>	5th August 1964
<i>Coming into Operation</i>	10th September 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 2 of the Courts of Law Fees (Scotland) Act 1895^(a) and by section 40 of the Sheriff Courts (Scotland) Act 1907^(b), as amended, and of all other powers competent to them in that behalf, and with the approval and concurrence of the Treasury, do hereby enact as follows:—

1. Section 1 of the Act of Sederunt (Alteration of Sheriff Court Fees) 1963^(c) dated 22nd January 1963 shall be amended by deleting the word “personal” where it occurs in the interpretation of the words “writ” and “paper”.

2. Paragraph 3 of Table A Part I of the Table of Fees for the Sheriff Clerks of Scotland, which is annexed to the Act of Sederunt (Alteration of Sheriff Court Fees) 1963^(c) shall be amended as follows:

- (1) In the first clause, by deleting the word “personal”.
- (2) In sub-paragraph (a), by adding the words “vested in or” after the words “When the amount of the estate”.
- (3) In sub-paragraph (b) by adding the words “vested in or” after the words “additional estate”.
- (4) In sub-paragraph (c), by deleting the word “moveable”.

3. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Fees Amendment) 1964, and shall come into operation on 10th September 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh.
21st July 1964.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt amends the provisions of the Act of Sederunt (Alteration of Sheriff Court Fees) 1963 and the Table of Fees annexed thereto, by extending the references therein to personal and moveable estate in Commissary Proceedings, to include the whole estate of a deceased person. Its provisions are consequent upon the passing of the Succession (Scotland) Act 1964.

1964 No. 1228

SEA FISHERIES

HERRING INDUSTRY

The Herring Subsidy (United Kingdom) Scheme 1964

Made 2nd July 1964

Coming into Operation 1st September 1964

The Secretary of State for Scotland (being the Secretary of State concerned with the sea fishing industry in Scotland) and the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon them by section 3 of the White Fish and Herring Industries Act 1957(a), and section 1 of the Sea Fish Industry Act 1962(b), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following scheme:—

Citation, Extent, Commencement and Interpretation

1.—(1) This scheme, which may be cited as the Herring Subsidy (United Kingdom) Scheme 1964, shall apply to the United Kingdom, and shall come into operation on 1st September 1964.

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

“the appropriate Minister” means, in relation to herring landed from vessels in Scotland and voyages made by vessels for the purpose of catching herring and landing them in Scotland, the Secretary of State for Scotland; and in relation to herring landed from vessels in England, Wales or Northern Ireland and voyages made by vessels for the purpose of catching herring and landing them in England, Wales or Northern Ireland, the Minister of Agriculture, Fisheries and Food;

“approved” means approved by the appropriate Minister for the purposes of this scheme;

“length” in relation to a vessel, means its length as calculated for the purposes of registration under the Merchant Shipping Act 1894(c);

“month” means a calendar month;

“vessel” means a fishing vessel registered in the United Kingdom.

(3) The Interpretation Act 1889(d), shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

General Conditions of Grant

2.—(1) A grant may be paid in accordance with the following provisions of this scheme to the registered owner (or his agent) or, where there is a charter-party, to the charterer (or his agent) of a vessel, in respect of—

(a) herring landed from the vessel in the United Kingdom during the period beginning with 1st September 1964 and ending with 31st August 1965; or

(a) 5 & 6 Eliz. 2. c. 22.
(c) 57 & 58 Vict. c. 60.

(b) 10 & 11 Eliz. 2. c. 31.
(d) 52 & 53 Vict. c. 63.

(b) voyages made by the vessel during such period for the purpose of catching herring and landing them in the United Kingdom :

Provided that no grant shall be payable by virtue of this sub-paragraph in any case where the herring are landed in the Isle of Man or Channel Islands.

(2) Whether or not a grant is payable by virtue of sub-paragraph (1) of this paragraph, a grant may be paid as aforesaid in respect of herring landed from the vessel in the United Kingdom during the said period and sold for conversion into oil, meal or other approved product, if the appropriate Minister is satisfied that the said herring could not have been sold for purposes other than such conversion :

Provided that no grant shall be payable by virtue of this sub-paragraph in respect of—

- (i) herring landed at any port not specified in Part I of Schedule 1 to this Scheme ;
- (ii) more than 20 per centum of the total landings of herring in any month at any port specified as aforesaid or, where such port is comprised in any group of ports specified in Part II of the said Schedule, at any such group of ports, as the case may be.

3. The owner or charterer of a vessel or his duly authorised agent who applies for payment of a grant shall supply such information and make such returns concerning fishing operations, costs and trading results as may be required by the appropriate Minister, including detailed accounts, for such period and in such form as the appropriate Minister may require, of the financial results of the operation of all such vessels of which he is the owner or charterer, and shall make any relevant books and records open to examination by any person authorised by the appropriate Minister.

4. Application for payment of a grant under this scheme shall be made by the owner or charterer or his duly authorised agent in writing in such form as the appropriate Minister may from time to time require and shall be completed and certified in all respects as so required and shall be delivered to the appropriate Minister at such address as he may at any time specify for the purpose.

5. Application for payment of a grant under this scheme shall be made not later than one month after the landing of the herring or the completion of the voyage, as the case may be, or such longer period as the appropriate Minister may, in special circumstances, allow.

6. Notice that a person is authorised to make application for and receive payment of grants under this scheme on behalf of an owner or charterer shall be given in writing signed by the owner or charterer in such form as the appropriate Minister may from time to time require and shall be sent to the address specified by the appropriate Minister for the purpose of paragraph 4 of this scheme :

Provided that not more than one agent shall be authorised as aforesaid at any one time at any one port for any one vessel in respect of grants under any one of the following provisions, that is to say, sub-paragraphs (1) or (2) of paragraph 2 of this scheme.

7. Without prejudice to the discretion of the appropriate Minister in the payment of grants under paragraph 2 of this scheme, if any owner or charterer or any person acting on his behalf makes any false statement or furnishes false information in respect of any of the matters required to be disclosed in connection with an application for payment of grant under this scheme or if any of the conditions relating to the payment of grants under this scheme are not complied with by any owner or charterer or any person acting on his behalf, the payment of grants to that owner or charterer at any time may be refused.

8.—(1) No grant shall be payable in terms of this scheme in respect of a voyage made by a vessel of 40 feet in length or over where a claim for white fish subsidy in respect of the voyage is made under any scheme made pursuant to the White Fish and Herring Industries Act 1953(a).

(2) For the purpose of determining the grant, if any, which may be paid by virtue of paragraph 2(1) of this scheme in the case of two or more vessels jointly operating the same gear, the weight of herring landed from the combined voyage, the proceeds from the sale of such herring and the gross proceeds of such voyage shall be deemed to be divided equally between the vessels concerned whether they are of the same length or of different lengths, and the grant, if any, shall be calculated separately for each vessel in accordance with the rates specified in paragraph 9 of this scheme.

(3) Notwithstanding the provisions of paragraph 9 of this scheme, if at any time after 1st September 1963 any structural alteration shall have been made to any vessel which has increased or decreased its length, any grant payable by virtue of paragraph 2(1) of this scheme shall be paid at the rate appropriate to the length of the vessel before such alteration unless the appropriate Minister is satisfied that the alteration is likely to be conducive to the increased fishing efficiency of the vessel.

Conditions relating to payments for herring landed and for voyages

9. Subject to the provisions of this scheme—

(a) a grant may be paid at the rate set out in Part I of Schedule 2 to this scheme in respect of herring landed from a vessel falling within the category specified in the said Part I ;

(b) a grant may be paid at the appropriate rate set out in Part II of the said Schedule in respect of each voyage made by a vessel falling within one of the categories specified in the said Part II.

10.—(1) Subject to sub-paragraph (2) of this paragraph, for the purposes of Part II of the said Schedule 2, in computing the length of a voyage, the day of departure and the day of arrival of the vessel may each be reckoned as one day at sea :—

Provided that—

(a) if the day of arrival of the vessel is also the day of departure of the vessel upon a subsequent voyage whether made for the catching and landing in the United Kingdom of herring or of white fish, then the day of arrival shall be reckoned with the voyage first concluded on that day and not with any subsequent voyage ;

(b) each period of 24 hours which is spent during a voyage in any port shall be excluded in calculating the number of days at sea in that voyage.

(a) 1 & 2 Eliz. 2. c. 17.

(2) The calculation made by the appropriate Minister for the purpose of this scheme of the number of days at sea on any voyage and the length of such voyage shall be final.

11. For the purpose of computing the amount of grant payable in respect of herring landed from vessels falling within the category specified in Part I of the said Schedule 2 the weight of the herring shall be the weight determined at the time of the first-hand sale.

12. No grant shall be payable in terms of this scheme in respect of a voyage made by a vessel of 40 feet in length or over if the proceeds from the sale of herring taken on that voyage amount to less than half the gross proceeds of that voyage.

Conditions relating to payments for herring landed and sold for conversion into oil etc.

13. Subject to the provisions of this scheme, a grant may be paid at the rate set out in Part III of the said Schedule 2 in respect of herring landed from the vessel and sold for conversion into oil, meal or other approved product.

Given under the Seal of the Secretary of State for Scotland on 1st July 1964.

Michael Noble,
Secretary of State for Scotland.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st July 1964.

Christopher Soames,
Minister of Agriculture, Fisheries
and Food.

Approved on 2nd July 1964.

M. A. Hamilton,
Ian MacArthur,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

Paragraph 2(2)

PART I

PORTS

Aberdeen
Anstruther
Arbroath
Ardglass
Ardrossan
Ayr
Bridlington
Buckie
Eyemouth
Fraserburgh
Gairloch
Girvan
Gourock
Greenock

Grimsby
Hartlepool
Holyhead
Inverness
Kilkeel
Kyle of Lochalsh
Leith
Lerwick
Lowestoft
Mallaig
Milford Haven
Newhaven
North Shields
Oban

Peterhead
Portavogie
Portpatrick
Scalloway
Scarborough
Seahouses
Stornoway
Tarbert (Harris)
Tarbert (Loch Fyne)
Ullapool
Whitby
Whitehaven
Yarmouth

PART II

GROUPS OF PORTS

Aberdeen
Fraserburgh
Peterhead

Bridlington
Scarborough
Whitby

Kyle of Lochalsh
Mallaig
Oban

Anstruther
Arbroath
Eyemouth
Leith
Newhaven

Gairloch
Stornoway
Tarbert (Harris)
Ullapool

Lerwick
Scalloway

Lowestoft
Yarmouth

Ardglass
Kilkeel
Portavogie

Hartlepool
North Shields
Seahouses

Ardrossan
Ayr
Girvan
Gourock
Greenock
Tarbert (Loch Fyne)

Holyhead
Whitehaven

SCHEDULE 2

PART I

Paragraphs 8(2), 9, 11, 12 and 13.

CATEGORY OF VESSELS AND RATE OF GRANT IN RESPECT OF HERRING LANDED

	<i>Category</i>	<i>Rate of Grant per stone</i>
Category A	Vessels of less than 40 feet in length	6d.

PART II

CATEGORIES OF VESSELS AND RATES OF GRANT IN RESPECT OF VOYAGES

	<i>Category</i>	<i>Rate of Grant per day at sea</i>
Category B	Vessels of 40 feet in length or over but under 60 feet in length	£6 10s.
Category C	Vessels of 60 feet in length or over but under 80 feet in length	£7
Category D	Vessels of 80 feet in length or over	£13

PART III

RATE OF GRANT IN RESPECT OF HERRING LANDED AND SOLD FOR CONVERSION INTO OIL, MEAL OR OTHER APPROVED PRODUCT

	<i>Rate of Grant per cran</i>
Herring landed from vessels and sold for conversion into oil, meal or other approved product	25s.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The White Fish and Herring Industries Act 1957 and the Sea Fish Industry Act 1962 provide that a scheme may be made for the payment of grants to the owners or charterers of fishing vessels engaged in catching herring.

This Scheme relates to the United Kingdom and provides for the payment of grants as follows:—

Category A	... Vessels of less than 40 feet in length	6d. per stone of herring landed
Category B	... Vessels of 40 feet in length or over but under 60 feet in length	£6 10s. per day at sea
Category C	... Vessels of 60 feet in length or over but under 80 feet in length	£7 per day at sea
Category D	... Vessels of 80 feet in length or over	£13 per day at sea

The Scheme also provides for the payment of grant at the rate of 25s. per cran in respect of herring landed by vessels and sold for conversion into oil, meal or other approved product.

1964 No. 1230

ANTHRAX

The Anthrax Disinfection Fee Rules 1964

Made - - - - - 29th July 1964

Coming into Operation 1st November 1964

The Minister of Labour by virtue of the powers conferred on him by section 2(1) of the Anthrax Prevention Act 1919^(a) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Anthrax Disinfection Fee Rules 1964 and shall come into operation on 1st November 1964.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament, and as if these Rules and the Rules hereby revoked were Acts of Parliament.

2. The Rules dated 8th March 1935^(c) made by the Secretary of State under the said section 2(1) and the Anthrax Disinfection Fee (Amendment) Rules 1961^(d) are hereby revoked.

3. The fees payable by importers of infected goods in respect of the disinfection thereof at the Government Wool Disinfecting Station (Ministry of Labour), Liverpool, shall be 4d. per pound of material calculated on the weight of the material before disinfection; so, however, that the total fees payable in respect of all infected goods included in any one delivery to the said station shall not be less than 7s. 6d.

4. The fees hereunder shall be payable by the importers to the Mersey Docks and Harbour Board on behalf of the Ministry of Labour.

Dated 29th July 1964.

Joseph Godber,
Minister of Labour.

(a) 9 & 10 Geo. 5. c. 23.

(b) 52 & 53 Vict. c. 63.

(c) S.R. & O. 1935/184 (Rev. II, p. 748: 1935, p. 164).

(d) S.I. 1961/526 (1961 I, p. 1194).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules increase to 4d. per pound the disinfection fee payable by importers of goat hair and other material which are required under the Anthrax Prevention Act 1919 to undergo disinfection at the Government Wool Disinfecting Station (Ministry of Labour), Liverpool. They provide that the total fees payable in respect of all infected goods included in any one delivery to the said station shall be not less than 7s. 6d.

These Rules revoke the Rules dated 8th March 1935 made under section 2(1) of the Anthrax Prevention Act 1919 and also revoke the Anthrax Disinfection Fee (Amendment) Rules 1961.

 STATUTORY INSTRUMENTS

1964 No. 1231

SHOPS AND OFFICES

**The Offices, Shops and Railway Premises Act 1963
 (Exemption No. 2) Order 1964**

Made - - - - - 29th July 1964

Coming into Operation 1st August 1964

The Minister of Labour—

- (a) by virtue of the powers conferred on him by section 45 of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf ; and
- (b) after consulting, pursuant to section 45(4) of the Act, organisations appearing to him to be representative of workers concerned and employers concerned, respectively, and it appearing to him that there are no other persons concerned ;

hereby makes the following Order:—

1.—(1) This Order may be cited as the Offices, Shops and Railway Premises Act 1963 (Exemption No. 2) Order 1964 and shall come into operation on 1st August 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) In this Order the expression " railway signal box " means a railway signal box which is, or is comprised in, railway premises to which the Act applies.

2. The Minister of Labour hereby exempts the following classes of premises from the requirements of the Act specified in relation to each class of premises, that is to say—

(a) railway signal boxes the construction of which was completed before 1st August 1964 and which are so situated that there is no piped water supply available within a distance of 200 yards from them, from so much of section 10(1) (which relates to washing facilities) of the Act as requires water supplied to be running water ;

(b) railway signal boxes the construction of which was completed before 1st August 1964 and in the case of which on that date—

(i) there is a piped water supply available within a distance of 200 yards from them ; but

(ii) there are no effective means of heating running water ;

from so much of the said section 10(1) as requires washing facilities provided thereunder to include a supply of clean, running hot and cold or warm water, subject to the conditions specified in Article 3 of this Order.

3. The conditions referred to in Article 2(b) of this Order are that in the case of premises of the class to which the said Article 2(b) applies washing facilities provided shall include—

- (a) a supply of clean, running cold water ; and
- (b) effective means of heating water for washing.

4. The exemptions granted by this Order shall be for the period of two years commencing with 1st August 1964.

Dated 29th July 1964.

Joseph Godber,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order exempts for a period of two years commencing with 1st August 1964 railway signal boxes which are then existing and which are more than 200 yards from a piped water supply, from the requirement of section 10 of the Offices, Shops and Railway Premises Act 1963 that water supplied for washing shall be running water. The Order also exempts for the same period railway signal boxes where there is a piped water supply within 200 yards but where there are no effective means of heating running water, from the requirements of the said section 10 that clean, running hot and cold or warm water shall be supplied for washing. The latter exemption is granted subject to the conditions that clean, running cold water and means of heating water for washing are provided.

 STATUTORY INSTRUMENTS

1964 No. 1232

POLICE

**The Police Pensions (Amendment) (No. 3)
Regulations 1964**
Laid before Parliament in draft

Made - - - - 29th July 1964

Coming into Operation 1st August 1964

In exercise of the powers conferred on me by sections 1 and 3 of the Police Pensions Act 1948(a), as extended by section 43 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b), sections 29B(4) and 33B of the Police (Scotland) Act 1956(c) (as amended by the Police Act 1964(d)), section 5(3) of the Overseas Service Act 1958(e) and Schedule 2 thereto, section 1(1) of the Police Pensions Act 1961(f), and sections 40 and 43(4) of the Police Act 1964 and Schedule 6 thereto, and after consultation with the Police Councils for England and Wales and for Scotland, I hereby, with the consent of the Treasury, make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

1. After Regulation 12 of the principal Regulations there shall be inserted the following Regulation:—

“Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest

12A.—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where—

- (a) he was attacked by a person or persons in a manner which, in the opinion of the police authority, was intrinsically likely to cause death and death ensued, on or after 5th July 1948, as a result of the attack, or
- (b) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(2) A widow's special pension payable to a widow to whom this Regulation applies shall be calculated in accordance with Part IV of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part III of Schedule 2, subject however, in either case, to Part V of that Schedule.

(a) 11 & 12 Geo. 6. c. 24.
(d) 1964 c. 48.

(b) 14 & 15 Geo. 6. c. 65.
(e) 6 & 7 Eliz. 2. c. 14.

(c) 4 & 5 Eliz. 2. c. 26.
(f) 9 & 10 Eliz. 2. c. 35.

(3) A widow to whom this Regulation applies whose husband dies on or after 1st August 1964 shall be entitled to a gratuity, as hereinafter provided, in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay (at the date of the death of the person in respect of whom the gratuity is payable) of a man holding the rank of constable in a police force and entitled to reckon 30 years' service for the purposes of pay."

2. The Police Pensions (Amendment) (No. 2) Regulations 1964(a) shall have effect as if Regulation 8 thereof (which amends the principal Regulations and relates to a widow's augmented award where her husband's death results from an attack) were omitted therefrom.

3. In the Regulations any reference to the principal Regulations is a reference to the Police Pensions Regulations 1962(b), as amended(c).

4. These Regulations may be cited as the Police Pensions (Amendment) (No. 3) Regulations 1964 and shall come into operation on 1st August 1964.

Henry Brooke,

One of Her Majesty's Principal
Secretaries of State.

28th July 1964.

We consent.

M. A. Hamilton,

Martin McLaren,

Two of the Lords Commissioners of
Her Majesty's Treasury.

29th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Police Pensions Regulations 1962.

Under the 1962 Regulations a widow of a member of a police force is entitled to a pension payable at a special rate if her husband dies as a result of an attack intrinsically likely to cause death. The present Regulations provide that the widow shall also be entitled to this special rate if, on or after 1st August 1964, her husband dies as a result of an injury received in the course of effecting an arrest or of preventing an escape or rescue from legal custody. They further provide that where death occurs on or after 1st August 1964 as a result of such an attack or injury, the widow shall be entitled not only to a pension at the special rate but also to a gratuity of an amount equal to twice the annual pay of a constable with 30 years' service.

(a) S.I. 1964/1072 (1964 II, p. 2371).

(b) S.I. 1962/2756 (1962 III, p. 3785).

(c) The relevant amending instrument is S.I. 1964/1072 (1964 II, p. 2371).

By virtue of Regulation 10 of the Police Pensions (Amendment) (No. 2) Regulations 1964, where a member of a police force dies on or after 1st August 1964 in the circumstances mentioned above gratuities are payable to his children if he does not leave a widow or, in the case of a police-woman, was the only surviving parent.

Regulation 2 of the present Regulations provides that the Police Pensions (Amendment) (No. 2) Regulations 1964 shall have effect as if Regulation 8 were omitted therefrom. That Regulation made provision similar to that made by the present Regulations but limited to the case of a widow whose husband died as the result of an attack.

The present Regulations come into operation on the same date as the Police Pensions (Amendment) (No. 2) Regulations, namely, 1st August 1964.

1964 No. 1234**ROAD TRAFFIC****The Goods Vehicles (Keeping of Records) Order 1964**

<i>Made - - - -</i>	<i>25th June 1964</i>
<i>Laid before Parliament</i>	<i>1st July 1964</i>
<i>Coming into Operation</i>	<i>2nd August 1964</i>

The Minister of Transport, in exercise of his powers under section 21 of the Road Traffic Act 1962^(a) and of all other powers him enabling in that behalf, hereby makes the following Order :—

1. This Order shall come into operation on the 10th day following the day it is approved by Parliament and may be cited as the Goods Vehicles (Keeping of Records) Order 1964.

2. Section 21 of the Road Traffic Act 1962 (which relaxes the duty of holders of C licences to keep current records in certain circumstances) shall continue in force indefinitely.

Given under the Official Seal of the Minister of Transport the 25th June 1964.

(L.S.)

Ernest Marples,
The Minister of Transport

(a) 10 & 11 Eliz. 2. c. 59.

1964 No. 1239

**TOWN AND COUNTRY PLANNING, ENGLAND
AND WALES**

**The Town and Country Planning General Development
(Amendment) Order 1964**

<i>Made - - - -</i>	<i>30th July 1964</i>
<i>Laid before Parliament</i>	<i>10th August 1964</i>
<i>Coming into Operation</i>	<i>24th August 1964</i>

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 14 and 217 of the Town and Country Planning Act 1962^(a) and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Town and Country Planning General Development (Amendment) Order 1964, and the Town and Country Planning General Development Order 1963^(b) and this order may be cited together as the Town and Country Planning General Development Orders 1963 and 1964.

(2) This order shall come into operation on 24th August 1964.

(3) The Interpretation Act 1889^(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

2. The Town and Country Planning General Development Order 1963 is hereby amended by the substitution, in column (1) of Class XII in Part I of Schedule 1, for the words from the beginning to "the land upon which it may be carried out:" of the following words:—

"Development authorised (i) by any local or private Act of Parliament or (ii) by any order approved by both Houses of Parliament or (iii) by any order made under section 14 or section 16 of the Harbours Act 1964^(d), being, in any such case, a local or private Act, or an order, which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out:."

Given under the official seal of the Minister of Housing and Local Government on 30th July 1964.

(L.S.)

Keith Joseph,
Minister of Housing and Local Government.

(a) 10 & 11 Eliz. 2. c. 38.
(c) 52 & 53 Vict. c. 63.

(b) S.I. 1963/709 (1963 I, p. 862).
(d) 1964 c. 40.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order amends the Town and Country Planning General Development Order 1963 by adding to Class XII (Development under local or private Acts, or orders) of Part I of Schedule 1 development specifically authorised by orders made under section 14 or section 16 of the Harbours Act 1964. The effect of this amendment is that such development is permitted by article 3 of the 1963 order.

Orders made under section 14 of the Harbours Act 1964 provide for securing harbour efficiency by statutory harbour authorities in improving, maintaining or managing their harbours, and orders made under section 16 of that Act provide for the conferring of powers on persons who wish to construct, improve, maintain or manage harbours or certain docks and inland waterways.

1964 No. 1247

SHOPS AND OFFICES

**The Offices, Shops and Railway Premises Annual Reports
Order 1964**

Made - - - - 30th July 1964
Coming into Operation 13th August 1964

The Minister of Labour by virtue of the powers conferred on him by sections 60(1) and 80(3) of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in this Order referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Offices, Shops and Railway Premises Annual Reports Order 1964 and shall come into operation on 13th August 1964.

(2) The Interpretation Act 1889(b) shall apply to the Interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. Every annual report made to the Minister of Labour in pursuance of section 60(1) of the Act—

(a) in the case of a report made by any local authority or by the London County Council, shall contain particulars with respect to the matters arising under the Act which are specified in Schedule 1 to this Order, and

(b) in the case of a report made by any authority discharging in any area the functions of fire authority under the Fire Services Act 1947(c), shall contain particulars with respect to the matters arising under the Act which are specified in Schedule 2 to this Order.

Dated 30th July 1964.

Joseph Godber,
Minister of Labour.

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63

(c) 10 & 11 Geo. 6. c. 41.

Article 2(a)

SCHEDULE 1

OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

Particulars to be included in the annual reports to the Minister of Labour by local authorities and the London County Council under section 60

Name of Authority.....

TABLE A—REGISTRATIONS AND GENERAL INSPECTIONS

Class of premises	Period covered.....		
	(1)	(2)	(3)
	Number of premises registered during the year	Number of registered premises at end of year	Number of registered premises receiving a general inspection during the year
Offices		(3)	(4)
Retail shops			
Wholesale shops, warehouses			
Catering establishments open to the public, canteens			
Fuel storage depots			
Totals			

TABLE B—NUMBER OF VISITS OF ALL KINDS BY INSPECTORS TO REGISTERED PREMISES



TABLE C—ANALYSIS OF REGISTRATION PARTICULARS OF PERSONS EMPLOYED IN REGISTERED PREMISES BY WORKPLACE

**TABLE C—ANALYSIS OF RECORDED PARTICULARS OF PERSONS EMPLOYED IN REGISTERED PREMISES
BY WORKPLACE**

Class of workplace	Number of persons employed
(1)	(2)
Offices	
Retail shops	
Wholesale departments, warehouses	
Catering establishments open to the public	
Canteens	
Fuel storage depots	
Total	
Total Males	
Total Females	

TABLE D—EXEMPTIONS

Class of premises (1)	No. of exemptions current at 31st December (2)	No. of exemptions granted or extended during year (3)	No. of applications refused or exemptions withdrawn during year (4)	No. of cases in cols. (3) and (4) where employees opposed application (5)	Appeals to Courts against refusal to grant or extend the exemption or against the withdrawal of an exemption	
					No. made (6)	No. allowed (7)
Part I—space (sec. 5(2))						
Offices						
Retail shops						
Wholesale shops, warehouses						
Catering establishments open to public, canteens						
Fuel storage depots						
Part II—temperature (sec. 6)						
Offices						
Retail shops						
Wholesale shops, warehouses						
Catering establishments open to public, canteens						
Fuel storage depots						

**TABLE E—EXEMPTIONS (contd.)
Part III—sanitary conveniences (sec. 9)**

Class of premises	No. of exemptions	No. of applications	No. of cases	No. of appeals
Offices				

TABLE D—EXEMPTIONS (contd.)
Part III—sanitary conveniences (sec. 9)

Offices						
Retail shops						
Wholesale shops, warehouses						
Catering establishments open to public, canteens						
Fuel storage depots						

Part IV—washing facilities (sec. 10)

Offices						
Retail shops						
Wholesale shops, warehouses						
Catering establishments open to public, canteens						
Fuel storage depots						

SCHEDULE 2

Article 2(b)

OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

Particulars to be included in the annual reports to the Minister of Labour
by fire authorities under section 60Name of fire authority.....
Period covered**Part I—Offices and Shops (excluding railway offices)**

1. Number of premises registered with the fire authority on 31st December
2. Estimate of number of premises appearing to require fire certificates under section 29 (including those already certified)
3. Number of premises for which fire certificates were in force on 31st December
4. Number of premises in respect of which applications for fire certificates have been received under section 29 at any time up to 31st December but certificates not yet issued
5. Number of premises in respect of which fire certificates were issued during the year ending 31st December (excluding those issued as a result of a notice under section 30(3))
6. (a) Number of notices received under section 30(3) in the year ending 31st December
- (b) Number of certificates amended or new certificates issued under section 30(4) in the year ending 31st December

Part II—Railway Premises and Railway Offices

7. Number of premises for which fire certificates were in force on 31st December
8. Number of premises in respect of which applications for fire certificates have been received under section 29 at any time up to 31st December but certificates not yet issued
9. Number of premises in respect of which fire certificates were issued during year ending 31st December (excluding those issued as a result of a notice under section 30(3))
10. (a) Number of notices received under section 30(3) in the year ending 31st December
- (b) Number of certificates amended or new certificates issued under section 30(4) in the year ending 31st December

Part III—General

11. (a) Number of appeals heard during the year under section 31
- (b) Of these, number successful
12. Prosecutions during the year
- (a) Number of persons or companies prosecuted
- (b) Number of informations laid
- (c) Number of informations leading to a conviction
13. (a) Number of complaints (summary applications in Scotland) heard under section 32 during the year
- (b) Of these, number successful

In this Schedule "railway offices" means office premises occupied by railway undertakers for the purposes of the railway undertaking carried on by them and situate in the immediate vicinity of the permanent way (not being office premises comprised in hotels).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the matters concerning which particulars are required by section 60(1) of the Offices, Shops and Railway Premises Act 1963 to be contained in the annual reports to be made to the Minister of Labour under that subsection by local authorities, fire authorities and the London County Council.

1964 No. 1248

WAGES COUNCILS

The Wages Regulation (Jute) Order 1964

Made - - - - 30th July 1964
 Coming into Operation 19th August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Jute Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Jute) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 19th August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Jute) Order 1963(c), shall cease to have effect.

Dated 30th July 1964.

Joseph Godber,
 Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Jute) Order 1963(c) (Order J.(108)).

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/634 (1963 I, p. 763).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part VI is:—

- (1) in the case of a time worker, not less than the hourly general minimum time rate applicable to the worker ;
- (2) in the case of a worker employed on piece work,
 - (a) where a general minimum piece rate is applicable under Part IV of this Schedule, not less than that rate ;
 - (b) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under paragraph 9, or where no piece work basis time rate applies, at least the same amount of money as the hourly general minimum time rate which would be applicable to the worker if he were a time worker ; and
 - (c) in addition to the rate or rates applicable under provision (a) of sub-paragraph (2) of this paragraph, in the case of a worker (irrespective of age or sex) to whom there applies a general minimum piece rate specified in Part IV of this Schedule an amount calculated in accordance with the provisions of paragraph 10:

Provided that where an hourly guaranteed time rate is applicable to a worker and the worker's minimum remuneration calculated on a time work basis at that rate exceeds the minimum remuneration calculated under the provisions of sub-paragraph (2) of this paragraph, the worker shall be paid at not less than that guaranteed time rate.

HOURLY RATES

2. For the purposes of this Schedule the expressions "hourly general minimum time rate" and "hourly guaranteed time rate" mean respectively the general minimum time rate and the guaranteed time rate applicable to the worker under Part II or Part III of this Schedule divided in either case by 43.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

3. The following general minimum time rates are applicable to male workers:—	Per week of 43 hours s. d.
(1) Loom tenters aged 21 years or over with a recognised full charge	207 0
(2) Loom under-tenters aged 21 years or over	184 1
(3) Other workers (not being workers specified in paragraph 4):—	
Aged 21 years or over	184 1
" 20 and under 21 years	157 6
" 19 " " 20 "	143 9
" 18 " " 19 "	129 8
" 17½ " " 18 "	113 0
" 17 " " 17½ "	93 6
" 16½ " " 17 "	90 5
" 16 " " 16½ "	87 2
" 15½ " " 16 "	81 1
" 15 " " 15½ "	78 4

**GUARANTEED TIME RATES AND
GENERAL MINIMUM TIME RATES**

4. The following guaranteed time rates and general minimum time rates are applicable to male workers employed on hessian weaving (as defined in paragraph 15):—

						Per week of 43 hours	
						s.	d.
Aged	21 years or over	...	...	...	...	184	1
"	20 and under 21 years	...	...	...	...	157	6
"	19 " " 20 "	...	...	...	...	143	9
"	18 " " 19 "	...	...	...	...	129	8
"	17½ " " 18 "	...	...	...	...	113	0
"	17 " " 17½ "	...	...	...	...	93	6
"	16½ " " 17 "	...	...	...	...	90	5
"	16 " " 16½ "	...	...	...	...	87	2
"	15½ " " 16 "	...	...	...	...	81	1
"	15 " " 15½ "	...	...	...	...	78	4

PART III

**FEMALE WORKERS
GENERAL MINIMUM TIME RATES**

5. The following general minimum time rates are applicable to female workers other than workers specified in sub-paragraph (1) of paragraph 6 or in paragraph 7:—

						Per week of 43 hours	
						s.	d.
Aged	18 years or over	...	...	...	...	128	1
"	17½ and under 18 years	...	...	...	...	108	3
"	17 " " 17½ "	...	...	...	...	93	6
"	16½ " " 17 "	...	...	...	...	90	5
"	16 " " 16½ "	...	...	...	...	87	2
"	15½ " " 16 "	...	...	...	...	81	1
"	15 " " 15½ "	...	...	...	...	78	4

WEAVING LEARNERS AND WEAVING MISTRESSES

- 6.—(1) The following general minimum time rates are applicable to weaving learners:—

						Per week of 43 hours	
						s.	d.
Aged	18 years or over	...	...	...	...	128	1
"	17½ and under 18 years	...	...	...	...	108	3
"	17 " " 17½ "	...	...	...	...	93	6
"	16½ " " 17 "	...	...	...	...	90	5
"	16 " " 16½ "	...	...	...	...	87	2
"	15½ " " 16 "	...	...	...	...	81	1
"	15 " " 15½ "	...	...	...	...	78	4

- (2) A weaving learner is a female worker who is employed learning weaving under the immediate instruction of a weaving mistress for one period of learnership not exceeding two months under the following conditions:—

- (a) the weaving learner shall cease to be employed on time work and shall be employed on piece work at the earliest practicable date, and
- (b) (i) where the weaving mistress has immediate responsibility for the instruction of one weaving learner, the weaving mistress shall be paid by the employer in respect of such responsibility a sum not less than 7s. 6d. per week in addition to her earnings on piece work, based on the total output of the weaving mistress and the weaving learner ;

- (ii) where the weaving mistress has immediate responsibility for the instruction of more than one weaving learner or is engaged in instructing learners of weaving under a group system of instruction, the weaving mistress shall be paid by the employer in respect of such responsibility or such instruction a sum to be arranged between the weaving mistress and the employer.

SPINNERS

7.—(1) The following general minimum time rates are applicable to female spinners:—

				Per week of 43 hours	
				s.	d.
(a) Spinning shifting mistresses	...	...	...	134	11
(b) Orra (or spare) spinners aged 18 years or over	...	...	...	128	1
(c) Spinners in charge of one or more of the ordinary flyer frames commonly in use in the jute trade:—					
(i) where the size of yarn is not greater than the normal size specified in sub-paragraph (2) of this paragraph:—					

Up to and including 4" bobbins	4½" and 4¼" bobbins	5" bobbins	6" bobbins	Per week of 43 hours	
				Single spinners	Double spinners
Number of spindles attended	Number of spindles attended	Number of spindles attended	Number of spindles attended	Column 1 s. d.	Column 2 s. d.
44	38	34	28	128 1	—
and under	and under	and under	and under		
46	40	36	30	128 1	—
48	42	38	32	128 1	—
50	44	40	33	128 1	—
52	46	42	34	128 1	—
54	48	43	36	128 1	—
56	50	44	37	128 1	—
58	52	46	38	128 1	—
60	54	48	40	128 1	—
62	56	50	41	128 1	—
64	57	51	42	128 1	128 1
66	58	52	44	128 1	128 1
68	60	54	45	128 1	128 1
70	62	56	46	128 1	128 1
72	64	58	48	128 1	128 1
74	66	59	49	128 1	128 1
76	68	60	50	128 1	128 1
78	70	62	52	128 1	128 1
80	72	64	53	128 1	128 1
82	74	66	54	128 1	128 1
84	75	67	56	128 1	128 1
86	76	68	57	128 1	128 1
88	78	70	58	128 1	128 1
90	80	72	60	128 1	128 1
92	82	74	61	128 1	128 1
94	84	75	62	128 2	128 1
96	86	76	64	129 0	128 1
98	88	78	65	129 8	128 1
100	89	80	66	130 9	128 1

Up to and including 4" bobbins	4½" and 4½" bobbins	5" bobbins	6" bobbins	Per week of 43 hours	
				Single spinners	Double spinners
Number of spindles attended	Number of spindles attended	Number of spindles attended	Number of spindles attended	Column 1 s. d.	Column 2 s. d.
102	90	82	68	131 3	128 1
104	92	83	70	131 6	128 2
106	94	84	71	132 11	128 11
108	96	86	72	133 9	129 5
110	98	88	73	134 1	129 10
112	99	90	74	134 10	130 9
114	100	91	76	135 11	131 2
116	102	92	77	136 6	131 4
118	104	94	78	136 11	132 0
120	106	96	80	137 9	132 11
122	108	98	81	139 0	133 4
124	110	99	82	139 3	133 11
126	112	100	84	140 3	134 1
128	114	102	85	141 1	134 10
130	116	104	86	141 7	135 11
132	117	105	88	142 1	136 6
134	118	106	89	143 2	136 11
136	120	108	90	143 11	137 9
138	122	110	92	145 2	139 0
140	124	112	93	145 6	139 3
142	126	114	94	146 2	140 3
144	128	116	96	147 1	141 1
146	130	117	97	147 9	141 7
148	132	118	98	148 4	142 1
150	133	120	100	149 0	143 2
152	134	122	101	150 1	143 11
154	136	123	102	150 8	145 2
156	138	124	104	151 11	145 6
158	140	126	105	152 2	146 2
160	142	128	106	152 8	147 1
162	144	130	108	154 2	147 9
164	146	131	109	154 5	148 4
166	148	132	110	155 3	149 0
168	149	134	112	155 7	150 1
170	150	136	113	156 6	150 8
172	152	137	114	157 5	151 11
174	154	138	116	158 3	152 2
176	156	140	117	158 10	152 8
178	158	142	118	159 7	154 2
180	160	144	120	160 8	154 5
182	161	145	121	161 3	155 3
184	162	146	122	161 6	155 7
186	164	148	124	162 7	156 6
188	166	150	125	163 6	157 5
190	168	152	126	163 11	158 3
192	170	154	128	164 9	158 10

The work to which the foregoing rates apply includes cleaning and blowing down frames, starting and stopping frames when required, and other usual spinners' duties. In the case of single spinners, it includes shifting a carriage:

bbb

Provided that in cases where spinners are working on two sizes of bobbins which fall under different scales in the foregoing Table, the general minimum time rate payable shall be based on the weighted average of the rates for the respective sizes arrived at as follows:—

By taking for each size of bobbin the rates for double spinners set out in the said Table for the total number of spindles attended and multiplying each such rate by the number of bobbins attended of the respective size, adding the products and dividing the result by the total number of spindles attended:

Provided that when the rate so obtained contains a fraction of a penny, any such fraction less than $\frac{1}{4}$ d. shall be disregarded and any such fraction if $\frac{1}{4}$ d. or more shall be counted as 1d.

For example, the general minimum time rate for a spinner attending 118 spindles, namely 66 spindles with $3\frac{1}{4}$ -inch bobbins and 52 spindles with 5-inch bobbins is calculated as follows:— Under Column 2—

$$\frac{(132s. 0d. \times 66) + (142s. 1d. \times 52)}{118} = 136s. 5\frac{3}{4}d.$$

The general minimum time rate in the case in question is accordingly 136s. 5d. per week of 43 hours.

(ii) where the size of yarn is greater than the normal size of yarn as specified in sub-paragraph (2) of this paragraph, the general minimum time rates set out in the foregoing Table shall be increased as follows:—

Size of bobbin	For every $\frac{1}{2}$ lb. per spynkle above	4 lbs.	...	2 per cent.
$2\frac{1}{2}$ in. ...	$\frac{1}{2}$ lb. "	5 lbs. ...	2	"
$2\frac{3}{4}$ in. ...	$\frac{1}{2}$ lb. "	6 lbs. ...	$1\frac{1}{4}$	"
3 in. ...	$\frac{1}{2}$ lb. "	7 lbs. ...	$1\frac{1}{2}$	"
$3\frac{1}{4}$ in. ...	1 lb. "	8 lbs. ...	2	"
$3\frac{3}{4}$ in. ...	1 lb. "	10 lbs. ...	2	"
4 in. ...	1 lb. "	11 lbs. ...	$1\frac{1}{2}$	"
$4\frac{1}{4}$ in. ...	1 lb. "	13 lbs. ...	$1\frac{1}{4}$	"
$4\frac{3}{4}$ in. ...	1 lb. "	16 lbs. ...	$1\frac{1}{4}$	"
5 in. ...	1 lb. "	22 lbs. ...	1	"
6 in. ...	1 lb. "	32 lbs. ...	1	"

For any intermediate size of yarn the rate for the next higher size shall be paid.

No extra shall be paid for weft and no deduction shall be made for hard warp.

(2) For the purposes of this paragraph the normal size of yarn used on a bobbin is as follows:—

Size of bobbin	Normal size of yarn
$2\frac{1}{2}$ in. ...	4 lbs. per spynkle
$2\frac{3}{4}$ in. ...	5 lbs. " "
3 in. ...	6 lbs. " "
$3\frac{1}{4}$ in. ...	7 lbs. " "
$3\frac{3}{4}$ in. ...	8 lbs. " "
4 in. ...	10 lbs. " "
$4\frac{1}{4}$ in. ...	11 lbs. " "
$4\frac{3}{4}$ in. ...	13 lbs. " "
5 in. ...	16 lbs. " "
5 in. ...	22 lbs. " "
6 in. ...	32 lbs. " "

GUARANTEED TIME RATES

8. The following guaranteed time rates are applicable to female piece workers to whom the general minimum piece rates specified in paragraph 11 apply if they have completed eight months' employment (including any period of learnership) on hessian weaving (as defined in paragraph 15):—

							Per week of 43 hours	
							s.	d.
Aged	18 years or over	...	...	...	...	...	128	1
"	17½ and under 18 years	...	...	...	...	...	108	3
"	17	"	17½	"	...	...	93	6
"	16½	"	17	"	...	...	90	5
"	16	"	16½	"	...	...	87	2
"	15½	"	16	"	...	...	81	1
"	15	"	15½	"	...	...	78	4

PIECE WORK BASIS TIME RATE

- 9.—(1) The piece work basis time rate applicable to the female workers to whom this paragraph applies is *128s. 1d.* per week of 43 hours.
- (2) This paragraph applies to all female workers employed on piece work other than—
- the spinners specified in paragraph 7;
 - workers employed in the areas of Aberdeen, Barrow-in-Furness, Dundee, Kirkcaldy and Tayport (as defined in paragraph 16) on hessian weaving (as defined in paragraph 15); and
 - weavers employed in the areas of Dundee and Aberdeen (as defined in paragraph 16) on the weaving of sacking, bagging or tarpaulin.

PART IV

MALE AND CERTAIN FEMALE WORKERS EMPLOYED ON HESSIAN WEAVING

SUPPLEMENTAL PAYMENTS

10. In addition to the minimum remuneration payable in any week under this Part of this Schedule, the following supplemental payments shall be made to workers to whom this Part of this Schedule applies:—

		Per week of 43 hours	
		s.	d.
(1)	In the case of male workers (irrespective of age)	...	28 9
(2)	In the case of female workers (irrespective of age)	...	26 10

In any week in which a worker's hours of employment, exclusive of overtime, are less than 43 the said supplemental payments are payable subject to a proportionate reduction according as his hours of employment, exclusive of overtime, in that week are less than 43.

GENERAL MINIMUM PIECE RATES

- 11.—(1) Subject to the provisions of this Part of this Schedule, the general minimum piece rates specified in this paragraph apply to piece workers employed on hessian weaving (as defined in paragraph 15) being—
- male workers, or
 - female workers employed in the areas of Aberdeen, Barrow-in-Furness, Dundee, Kirkcaldy and Tayport.

(2) The standard general minimum piece rate for weaving the standard length of the standard width of the standard fabric (as defined in paragraph 14) is—

(a) for single loom weavers (as defined in paragraph 14):—

- (i) male workers 126-88d.
 (ii) female workers 125-67d.

(b) for double loom weavers (as defined in paragraph 14) 15 per cent. less than the standard general minimum piece rate for single loom weavers.

(3) The general minimum piece rates for fabric which is different in build from the standard fabric (as defined in paragraph 14) shall be calculated as follows:—

Porter and/or shots	Variation for porter		Variation for shots per inch		
	Deduct	Per cent.	Deduct	Per cent.	
5	15		50		
5½			48		
6	12½		46		
6½			43		
7	10		41		
7½			38		from the appropriate standard general minimum piece rate specified in sub-paragraph (2) of this paragraph.
8	7½		35		
8½			32		
9	5		29		
9½			27		
10	2½		23		
10½			20		
11	No variation		17		
11½			14		
12	Add 6 per cent.		10		
12½			7		
13	12		3		
13½			No variation		
14	18		Add 5 per cent.		
14½			10		
15	24		15		
15½			20		to the appropriate standard general minimum piece rate specified in sub-paragraph (2) of this paragraph.
16	33		25		
16½			30		
17	48		35		
17½			40		
18	66		45		
18½			50		
19	87		55		
19½			60		
20	110		65		

Provided that in cases where variation in the standard general minimum piece rate has to be made in respect of both porter and shots, the variations for porter and shots shall not be made separately, but as follows:—The sum or difference, as the case may be, of the appropriate percentage figures set out in the Table for porter and shots respectively shall first be calculated, and the standard general minimum piece rate shall then be varied by the application thereto of the percentage figure so arrived at.

(4) The general minimum piece rates for fabric which is different in width from the standard fabric (as defined in paragraph 14) shall be calculated as follows:—

Width of finished cloth (inches)	Per cent.		Width of finished cloth (inches)	Per cent.
25	Deduct 22½	from the general minimum piece rate for cloth of standard width applicable under sub-paragraph (2) or (3) of this paragraph.	74	Add 80
26	" 21		75	" 82½
27	" 19½		76	" 85
28	" 18		77	" 87½
29	" 16½		78	" 90
30	" 15		79	" 92½
31	" 13½		80	" 95
32	" 12		81	" 97½
33	" 10½		82	" 100
34	" 9		83	" 102½
35	" 7½		84	" 105
36	" 6		85	" 107½
37	" 4½		86	" 110
38	" 3		87	" 112½
39	" 1½		88	" 115
40	No variation		89	" 117½
41	Add 2		90	" 120
42	" 4		91	" 122½
43	" 6		92	" 125
44	" 8		93	" 127½
45	" 10		94	" 130
46	" 12		95	" 132½
47	" 14		96	" 135
48	" 16		97	" 137½
49	" 18		98	" 140
50	" 20		99	" 142½
51	" 22		100	" 145
52	" 24		101	" 147½
53	" 26		102	" 150
54	" 28		103	" 152½
55	" 30		104	" 155
56	" 32		105	" 157½
57	" 34		106	" 160
58	" 36		107	" 162½
59	" 38		108	" 165
60	" 40		109	" 167½
61	" 43		110	" 170
62	" 46		111	" 172½
63	" 49		112	" 175
64	" 52	113	" 177½	
65	" 55	114	" 180	
66	" 58	115	" 182½	
67	" 61	116	" 185	
68	" 64	117	" 187½	
69	" 67	118	" 190	
70	" 70	119	" 192½	
71	" 72½	120	" 195	
72	" 75	121	" 197	
73	" 77½	122	" 199	

to the general minimum piece rate for cloth of standard width applicable under sub-paragraph (2) or (3) of this paragraph.

Width of finished cloth (inches)					Width of finished cloth (inches)			
	Add	201	Per cent.		Add	239	Per cent.	
123		203	"		142	241	"	
124	"	205	"		143	243	"	
125	"	207	"		144	245	"	
126	"	209	"	to the	145	247	"	
127	"	211	"	general	146	249	"	
128	"	213	"	minimum	147	251	"	
129	"	215	"	piece	148	253	"	
130	"	217	"	rate for	149	255	"	
131	"	219	"	cloth of	150	257	"	
132	"	221	"	standard	151	259	"	
133	"	223	"	width	152	261	"	
134	"	225	"	applicable	153	263	"	
135	"	227	"	under	154	265	"	
136	"	229	"	sub-para-	155	267	"	
137	"	231	"	graph (2) or	156	269	"	
138	"	233	"	(3) of this	157	271	"	
139	"	235	"	paragraph.	158	273	"	
140	"	237	"		159	275	"	
141	"				160			

12. The general minimum piece rates specified in paragraph 11 are subject to the following allowances and extras:—

(1) For narrow cloth in wide looms:—

(a) For looms up to and including a total reed space of 80 inches no allowance shall be made for cloth the yarn width of which (including selvages) in the reed is within 10 inches of the total reed space. If the yarn as measured within the reed (including selvages) is narrower than this, one-sixth of the total difference in inches between the yarn width and the total reed space shall be added to the cloth width.

(b) For looms of a total reed space exceeding 80 inches no allowance shall be made for cloth the yarn width of which (including selvages) in the reed is within 10 inches or 10 per cent. of the total reed space, whichever is the greater. If the yarn as measured within the reed (including selvages) is narrower than this, one-sixth of the difference in inches between the yarn width on the one hand and the total reed space less 10 inches or 10 per cent. (whichever is the greater) on the other hand, shall be added to the cloth width.

(2) Where the weaver strips the cloth off the cloth pin 2 per cent. extra.

(3) Where the weaver ties on 2½d. per 100 threads extra.

(4) Where the weaver does any filing an extra shall be paid to be mutually arranged between employer and worker, provided that such extra shall be at a rate not less than the appropriate general minimum time rate.

(5) For centre selvages:—

If unsplit in the loom—

5 per cent. extra for the first centre selvage ;

3 per cent. extra for each centre selvage thereafter.

If split in the loom by the weaver—

A further 2 per cent. extra for each centre selvage so split.

(6) For the weaving of fabrics with dyed and/or bleached threads in the warp:—

- (a) (i) Up to 10 per cent. of dyed and/or bleached single jute threads No extra.
- (ii) For each additional 2 per cent. of dyed and/or bleached single jute threads or part thereof ... 1 per cent. extra.
- (b) For warps consisting entirely of dyed and/or bleached single jute threads 36 per cent. extra.
- (c) For warps consisting entirely of dyed and/or bleached single jute threads with a stripe or stripes... .. 45 per cent. extra.

(7) For heavy wefts extras to be paid under the following scale on the calculated weight of weft to give the required weight of cloth:—

Length of cop	Diameter of cop	Weight of yarn (in lbs.) per spynkle									
		9	10	11	12	13	14	15	16	17	18
9 inches but less than 10 inches	1 3/8 inches ...	9	10	11	12	13	14	15	16	17	18
	1 1/2 " ...	11	12	13	14	15	16	17	18	19	20
	1 5/8 " ...	13	14	15	16	17	18	19	20	21	22
	1 7/8 " ...	15	17	18	20	21	23	24	26	28	30
	1 7/8 " ...	18	20	21	23	24	26	28	30	32	34
	2 " ...	22	24	26	28	30	32	34	36	38	40
*Percentage to be added to rate for cut of standard length.		1/2%	1%	1 1/2%	2%	2 1/2%	3%	3 1/2%	4%	4 1/2%	5%

* For cops 10 inches long or over, 1/2 per cent. less.
 " " over 8 inches but under 9 inches long, an additional 1 per cent.

(8) Where cloth is woven one thread in a split:—
 8 porter in 16 reed 2 1/2 per cent. extra,
 and thereafter for every 1/2 porter in excess of 8 porter, an additional 2 1/2 per cent.

13. In determining the general minimum piece rates applicable the following provisions apply:—

- (1) No difference shall be made for quality ;
- (2) Shots shall be counted by the inch ;
- (3) Fractions shall be dealt with as follows:—

Fractions of One Shot—

Under 1/2 shall not count.
 1/2 and under 3/4 shall count as 1/2.
 3/4 and over shall count as 1.

Fractions of One Inch—

Under 1/2 inch shall not count.
 1/2 inch and over shall count as 1 inch.

- (4) No extras shall be payable for long lengths in linoleum goods ;
- (5) Where the number of threads in the warp is increased above the normal build for which payment is made, the width of cloth to be paid for shall be that which the threads would give if not crowded ;
- (6) The work to which the piece rates apply shall include the making good of weaving faults by the weaver, in accordance with the hitherto accepted practice of the trade, and the other usual duties performed by the weaver, such as keeping the loom clean and removing the waste from it ;
- (7) Where the wages due contain a fraction of a penny, any such fraction shall be treated as a penny.

14. For the purpose of the general minimum piece rates set out in this Part of this Schedule:—
- (1) A single loom weaver is a weaver who actually tends only one loom, other than a weaver specified in (2) (b) below ;
 - (2) A double loom weaver is a weaver who—
 - (a) is actually tending two looms, or
 - (b) regularly tends two looms, but who, owing to a stoppage of one of the looms, tends only one loom for an aggregate period not exceeding $8\frac{1}{2}$ hours in any one week, or for a continuous period not exceeding $8\frac{1}{2}$ hours ;
 - (3) The standard length is 100 yards (36 inch measure) of yarn laid ;
 - (4) The standard width is 40 inch of finished cloth ;
 - (5) The standard fabric is $10\frac{1}{2}$ oz. 40 in. 11 porter $13\frac{1}{2}$ shots per inch loom count: Hessian.

WORK TO WHICH GENERAL MINIMUM PIECE RATES APPLY

15. For the purposes of this Schedule, the expression "hessian weaving" means the weaving of all hessian, floor-cloth and linoleum goods, other than those woven in looms the reed space of which is 32 inches or narrower.

PART V

DEFINITION OF AREAS

16. For the purposes of this Schedule, the areas of Aberdeen, Barrow-in-Furness, Dundee, Kirkcaldy and Tayport comprise respectively:—
- (1) the County of the City of Aberdeen ;
 - (2) the County Borough of Barrow-in-Furness ;
 - (3) the area of Dundee, that is to say, the County of the City of Dundee and the Parish of Liff and Benvie, the Parish of Mains and Strathmartine, the Parish of Dundee and that part of the Burgh of Monifieth which lies south and west of Dighty Water ;
 - (4) the Burgh of Kirkcaldy ;
 - (5) the area of Tayport, that is to say, the Burgh of Tayport including the Parish of Ferry-Port-on-Craig.

PART VI

OVERTIME AND WAITING TIME

OVERTIME—MALE OR FEMALE WORKERS

17. Minimum overtime rates are payable as follows:—
- (1) on any day, not being Saturday, Sunday or a customary public or statutory holiday, for all time worked in excess of 8 hours 36 minutes—time-and-a-half ;
 - (2) on a Saturday, not being a customary public or statutory holiday, for all time worked—time-and-a-half ;
 - (3) on a Sunday or a customary public or statutory holiday, for all time worked—double time.
18. In this Schedule the expressions "time-and-a-half" and "double time" mean respectively:—
- (1) in the case of a worker employed on time work, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker ;

- (2) In the case of a worker employed on piece work—
- (a) a time rate equal respectively to one half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and, in addition thereto,
 - (b) the minimum remuneration applicable to the worker under (2) of paragraph 1.

WAITING TIME

- 19.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—
- (a) without the employer's consent, express or implied;
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;
 - (c) by reason only of the fact that he is resident thereon; or
 - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable to him if he were employed as a time worker.

PART VII

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

20. This Schedule applies to male workers and female workers in relation to whom the Jute Wages Council (Great Britain) operates, that is to say, male workers and female workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Jute Trade, Great Britain) (Constitution and Proceedings) Regulations 1934(a), that is to say:—

“the preparing, spinning or weaving (a) of jute or (b) of jute and any other fibre except flax or hemp;

Including—

- (1) The preparing and spinning of waste reclaimed at any stage; and
- (2) All packing, despatching, warehousing, storing, or other operations incidental to or appertaining to any of the above-mentioned work,

But excluding—

- (1) The calendering, bleaching, dyeing or finishing of any of the above-mentioned materials; and
- (2) The preparing or spinning of materials required for the making or remaking of (a) rope (including driving rope and banding), (b) cord (including blind and window cord, but excluding silk, worsted, and other fancy cords), (c) core for wire ropes, (d) lines, (e) twine (including binder and trawl twine), (f) lanyards, (g) net and similar articles, when such preparing or spinning is carried on in the same factory or workshop as the said making or remaking; and
- (3) The making or repair of sacks or bags, and also
- (4) The weaving of carpets, rugs or mats.”

(a) S.R. & O. 1934/302 (1934 II, p. 676).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 19th August 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Jute) Order 1963 (Order J. (108)), which is revoked.

New provisions are printed in italics.

 S T A T U T O R Y I N S T R U M E N T S

1964 No. 1253 (S. 84)

FOOD AND DRUGS

COMPOSITION—SCOTLAND

**The Mineral Hydrocarbons in Food (Scotland)
Regulations 1964**

<i>Made - - - -</i>	31st July 1964
<i>Laid before Parliament</i>	10th August 1964
<i>Coming into Operation</i>	11th August 1964

In exercise of the powers conferred on me by sections 4 and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Mineral Hydrocarbons in Food (Scotland) Regulations 1964 and shall come into operation on 11th August 1964.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“chewing compound” means chewing gum and other products of a like nature and use;

“dried fruit” means prunes, currants, sultanas and raisins;

“food” means food intended for sale for human consumption;

“human consumption” includes use in the preparation of food for human consumption;

“mineral hydrocarbon” means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies, hard paraffins and microcrystalline waxes;

“mineral oil” means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies and hard paraffins;

“sell” includes offer or expose for sale or have in possession for sale; and “sale” shall be construed accordingly;

and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Enforcement

3.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(a), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(b); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Exemptions

- 4.—(1) Regulation 6 of these regulations shall not apply in relation to—
- (a) any dried fruit containing not more than 0.5 part by weight of mineral hydrocarbon per 100 parts by weight of dried fruit;
 - (b) any citrus fruit containing not more than 0.1 part by weight of mineral hydrocarbon per 100 parts by weight of citrus fruit;
 - (c) any sugar confectionery containing mineral hydrocarbon by reason of the use of mineral hydrocarbon as a polishing or glazing agent for confectionery if such confectionery contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of such confectionery;
 - (d) any food containing mineral hydrocarbon—
 - (i) by reason of the use in the composition of such food of dried fruit, citrus fruit or sugar confectionery, or any one or more of these commodities, containing mineral hydrocarbon not in excess of the relevant quantities permitted in accordance with subparagraphs (a), (b) and (c) of this paragraph;
 - (ii) by reason not of the inclusion of mineral hydrocarbon as an ingredient in such food but because of the use of mineral hydrocarbon as a lubricant or greasing agent on some surface with which such food has necessarily to come into contact during the course of preparation if such food contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of the food;
 - (e) any chewing compound which contains no more than 60 parts by weight of paraffin or microcrystalline wax per 100 parts by weight of chewing compound and otherwise contains no mineral hydrocarbon;
 - (f) any whole pressed cheese or part thereof containing mineral hydrocarbon by reason of the use of mineral hydrocarbon on the rind;
 - (g) any eggs, laid by domestic fowls or domestic ducks, which contain mineral hydrocarbon by reason of their having been subjected to a process of preservation consisting of being dipped in, sprayed with or otherwise treated with mineral hydrocarbon and which before sale or exposure for sale are required (by section 3 of the Agricultural Produce

(a) 60 & 61 Vict. c. 38.

(b) 10 & 11 Geo. 6. c. 43.

(Grading and Marking) Act 1928(a) and orders thereunder(b)) to be marked on the shell with the word "SEALED";

(h) any food intended for exportation to any place outside the United Kingdom.

(2) Any reference in paragraph (1) of this regulation to mineral hydrocarbon means liquid mineral hydrocarbon or semi-liquid mineral hydrocarbon, or paraffin or microcrystalline wax, which complies with the specification therefor set forth respectively in paragraphs 1, 2 and 3 of Part I of Schedule 1 to these regulations or a mixture of such liquid, or semi-liquid mineral hydrocarbons, or paraffin or microcrystalline wax; and the reference in paragraph 1(e) of this regulation to paraffin or microcrystalline wax means paraffin or microcrystalline wax which complies with the specifications set forth in paragraphs 3 and 4 of the said Part of the said Schedule.

(3) An exemption provided for in paragraph (1) of this regulation shall not apply if the food contains any mineral hydrocarbon other than mineral hydrocarbon of a kind defined in relation to that food in paragraph (2) of this regulation.

Continuation of the Mineral Oil in Food Order 1949

5. Until the Mineral Oil in Food Order 1949(c) as amended(d) ceases to have effect in accordance with regulation 10 hereof, regulation 6 of these regulations shall not apply in relation to—

- (a) the use of any mineral oil in the composition or preparation of any food in accordance with the provisions of that order as amended;
- (b) the sale of any food containing mineral oil in accordance with such provisions.

Prohibition of mineral hydrocarbon in food

6. Subject to the provisions of these regulations—

- (a) no person shall use or permit to be used any mineral hydrocarbon in the composition or preparation of any food;
- (b) no person shall sell any food containing any mineral hydrocarbon;
- (c) no person shall, on and after 11th February 1965, consign or deliver, or import into Scotland, any food containing any mineral hydrocarbon.

Condemnation of food containing mineral hydrocarbon

7. Where any food is certified by a public analyst as being food in the composition or preparation of which any mineral hydrocarbon has been used which it is an offence against the foregoing provisions of these regulations to use, permit to be used, sell, consign or deliver, or import into Scotland, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

(a) 18 & 19 Geo. 5. c. 19.

(b) S.R. & O. 1929/13 (Rev. I, p. 435; 1929, p. 39); S.I. 1950/215 (1950 I, p. 20).

(c) S.I. 1949/614 (1949 II, p. 14).

(d) S.I. 1950/1239, 1954/1044, 1956/1294 (1950 III, p. 41; 1954 I, p. 802; 1956 I, p. 1006).

Penalties

8.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable:—

(a) on summary conviction to:—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to:—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Application of various sections of the Act

9.—(1) Sections 41(2) and (5) (which relate to proceedings), 42(1), (2) and (3) (which relate to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

10. The orders and regulations specified in Schedule 2 to these regulations shall cease to have effect on 11th February 1965.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

31st July 1964.

SCHEDULE 1

Regulation 4(2)

PART I

SPECIFICATIONS FOR LIQUID MINERAL HYDROCARBON, SEMI-LIQUID MINERAL HYDROCARBON, AND PARAFFIN OR MICROCRYSTALLINE WAX

Specification for liquid mineral hydrocarbon

1. Liquid mineral hydrocarbon—

- (a) shall be a transparent mixture of liquid hydrocarbons, almost colourless and tasteless ;
- (b) shall have an absorption intensity in iso-octane over the range 240–280 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 0.4$ (0.4 litre gm. cm.) ; and
- (c) shall comply with the tests for acidity or alkalinity, carbonisable substances, solid paraffins, and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

Specification for semi-liquid mineral hydrocarbon

2. Semi-liquid mineral hydrocarbon—

- (a) shall be a white translucent unctuous mixture of semi-liquid hydrocarbons barely fluorescent in daylight ;
- (b) shall contain not more than 0.1 per cent. of sulphated ash ;
- (c) shall have an absorption intensity in iso-octane at 290 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 10.0$ (1.0 litre gm. cm.) ; and
- (d) shall comply with the tests for acidity or alkalinity and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

Specification for paraffin or microcrystalline wax

3. Paraffin or microcrystalline wax—

- (a) shall be an almost odourless and tasteless mixture of solid hydrocarbons ,
- (b) shall contain not more than 0.1 per cent. of sulphated ash ;
- (c) shall have an iodine value of not more than 4.0 ;
- (d) shall have an absorption intensity in iso-octane at 290 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 0.4$ (0.04 litre gm. cm.) ; and
- (e) shall comply with the tests for acidity or alkalinity, and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

Specification for paraffin or microcrystalline wax in chewing compounds

4. Paraffin or microcrystalline wax in chewing compounds—

- (a) shall comply with the specification set forth in paragraph 3 of this Part of this Schedule ; and
- (b) shall have been tested for the presence of polycyclic hydrocarbons by the method set forth in Part II of this Schedule with the result described in paragraph 5 of the said Part II.

PART II

METHOD OF TESTING PARAFFIN OR MICROCRYSTALLINE WAX FOR THE PRESENCE OF POLYCYCLIC HYDROCARBONS

Principle of method

1. The method is based on the maximum absorbance within four wavelength ranges of an extract prepared by chromatography on silica gel and partition of the adsorbate between cyclohexane and nitromethane followed by a second chromatography on silica gel impregnated with nitromethane. Some of the

polynuclear hydrocarbons are susceptible to photo-oxidation. The entire procedure subsequent to the addition of the wax to the chromatographic column must therefore be carried out under subdued light. No grease is to be used on stopcocks or joints.

Apparatus to be used

2. The following apparatus shall be used—

- (a) a spectrophotometer capable of accurate measurement over the range 280–400 millimicrons ;
- (b) fused quartz cells 10 mm. optical path length ; and
- (c) chromatographic apparatus consisting of—
 - (i) a glass tube approximately 35 cm. by 3.5 cm. constricted at the lower end to fit a suction flask and capable of being heated to 85°C ; and
 - (ii) a glass tube approximately 115 cm. by 1.7 cm. sealed to a stopcock at the lower end and fitted with a solvent reservoir of approximately 500 ml. capacity.

Reagents to be used

3. The following reagents shall be used—

- (a) solvents—namely iso-octane (2,2,4 trimethylpentane), benzene, cyclohexane, n-hexadecane, methanol, and nitro-methane freshly distilled under reduced pressure in a current of nitrogen on the day of use ;
- (b) silica gel—which shall pass a 100 B.S. sieve and be retained on a 200 B.S. sieve, washed with methanol, and activated by heating at 150°C. for 16 hours in a current of clean air or nitrogen ; and
- (c) nitrogen—which shall be oxygen free.

Method of conducting test

4. Any person conducting this test shall proceed as follows—

Dissolve 100 gm. \pm 0.5 gm. of the molten sample in 500 gm. of hot iso-octane. Prepare a dry column (about 125 gm.) of silica gel in the tube mentioned in paragraph 2(c)(i) of this Part of this Schedule, retaining it by a glass wool plug at the constricted lower end. Heat the column to about 15°C. above the melting point of the wax, and pass through it 200 ml. of hot iso-octane at the rate of about 12 ml. per minute, using suction. A layer of solvent must cover the silica gel from this point until the elution of the column is completed. Pass the wax solution through the column and follow it with 500 ml. of hot iso-octane. Discontinue the heating and suction and let the column cool. Pass a further 50 ml. of iso-octane at room temperature through the column. Change the receiver at the bottom of the column and elute adsorbed material from the silica gel with 200 ml. of benzene. To the benzene eluate add 1 ml. of n-hexadecane and evaporate the benzene in a stream of nitrogen under reduced pressure. Transfer the residue to a separating funnel with 50 ml. of cyclohexane, add 25 ml. of nitromethane saturated with cyclohexane, and shake vigorously for three minutes. Draw off the lower layer into a second separating funnel and repeat the extraction with four separate portions of 25 ml. of nitromethane saturated with cyclohexane. To the combined nitromethane extracts add 20 ml. of cyclohexane and shake as before. Draw off the lower layer into an evaporation flask, add 1 ml. of n-hexadecane and remove the solvent in a stream of nitrogen under reduced pressure. Allow the flask to cool and dissolve the residue in 10 ml. of iso-octane.

Prepare by shaking together for one hour a mixture of 100 gm. of silica gel and 40 ml. of nitromethane. Plug the stopcock end of the tube mentioned in paragraph 2(c)(ii) of this Part of this Schedule with glass wool and fill with nitromethane silica gel mixture. Transfer the solution of the residue to the column and wash with 160 ml. of iso-octane saturated with nitromethane, discarding the first 90 ml. of eluate. Percolation through the column

can be accelerated if necessary by the application of a pressure of nitrogen gas on the reservoir. Add 250 ml. of benzene to the solvent reservoir and continue the elution collecting the whole eluate. Add 1 ml. of n-hexadecane to the eluate and remove the solvents in a stream of nitrogen under reduced pressure. A residue of about 1 ml. should remain. Dissolve this residue in iso-octane and dilute to 100 ml. Determine the absorbance of the solution against pure iso-octane in a 1 cm. cell over the range of 280-400 millimicrons. Correct the absorbance values for any cell differences and for any absorbance derived from reagents as determined by carrying out the procedure without a wax sample.

Result of test

5. The tested paraffin or microcrystalline wax shall be deemed to have satisfied the test if the following result is obtained, namely if the light absorbance of the extract in a 1 cm. cell is below the following limits:—

Wavelength range (millimicrons)			
280-289	290-299	300-359	360-400
Absorbance Limit			
0.50	0.42	0.27	0.07

Check of test

6. The efficacy of the test shall be checked by determining the recovery of the polycyclic aromatic hydrocarbon Pyrene added at the level of 0.5 p.p.m. to a wax. The recovery should be not less than 40 per cent. of the amount added.

SCHEDULE 2

ORDERS AND REGULATIONS REVOKED

The Mineral Oil in Food Order 1949	S.I. 1949/614 (1949 II, p. 14)
The Mineral Oil in Food (Amendment) Order 1950	S.I. 1950/1239 (1950 III, p. 41)
The Mineral Oil in Food (Amendment) Order 1954	S.I. 1954/1044 (1954 I, p. 802)
The Mineral Oil in Food (Amendment) (Scotland) Regulations 1956	S.I. 1956/1294 (1956 I, p. 1006)

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply to Scotland only, prohibit (subject to certain exemptions relating to dried fruit, citrus fruit, sugar confectionery, lubricants, cheese, eggs and chewing compounds) the use of any mineral hydrocarbon in the composition or preparation of food, the sale of food containing any mineral hydrocarbon, and, on and after 11th February 1965, the consignment, delivery or importation of any food containing any mineral hydrocarbon (regulation 6).

The regulations lay down specifications for mineral hydrocarbons the use of which is regulated in relation to the permitted exemptions, including a test for limits of content of certain polycyclic aromatic hydrocarbons (Schedule 1).

The regulations also make provision for the following :—

- (a) the condemnation of food containing mineral hydrocarbon in contravention of the regulations (regulation 7) ;
- (b) penalties for infringement of the regulations (regulation 8) ;
- (c) enforcement by local authorities or (as regards the provisions of regulations 6 and 7 in so far as they relate to importation) by port local authorities (regulation 3(2)) ; and
- (d) application of certain sections of the Food and Drugs (Scotland) Act 1956 relating to legal proceedings (regulation 9).

The regulations come into operation on 11th August 1964, but the use of mineral oil in the preparation of food, and the sale of food containing mineral oil, in compliance with the Mineral Oil in Food Order 1949 (as amended) is permitted until that order is revoked on 11th February 1965.

1964 No. 1254

WAGES COUNCILS

**The Wages Regulation (Flax and Hemp) (Amendment)
Order 1964**

Made - - - - 31st July 1964
Coming into Operation 21st August 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Flax and Hemp) (Amendment) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 21st August 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Dated 31st July 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

SCHEDULE

STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Flax and Hemp) (No. 2) Order 1963(a) (Order F.H. (102)) shall have effect as if in the Schedule thereto for Parts II and III there were substituted the following Parts :—

"PART II

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

2.—(1) The following general minimum time rates are applicable to female workers :—

	Per week of 42½ hours	
	s.	d.
(a) Spinners aged 18 years or over	127	0
(b) Spinners aged under 18 years who have completed two years' employment (including any period of learnership) in some or all of the processes of bobbin carrying, doffing, piecing, or assisting at spinning frame, and who are in charge of a frame	120	0
(c) Card-cutters aged 18 years or over	127	0
(d) Weavers, winders, reelers and warpers aged 18 years or over	127	0
(e) All other workers (except learners to whom the minimum rates specified in paragraph 3(1) apply)—		
Aged 18 years or over	117	10
" 17 and under 18 years	96	8
" 16 " " 17 "	83	8
" under 16 years	69	2

(2) For the purposes of this paragraph a winder is a worker (other than a bit or beating winder) who is employed wholly or mainly on winding from the reel, hank or bobbin.

LEARNERS AND WEAVING TEACHERS

3.—(1) The following general minimum time rates are applicable to female learners :—

	Per week of 42½ hours	
	s.	d.
(a) Learners employed in weaving, warping, winding, reeling or spinning for one period of learnership not exceeding six months where such learnership is commenced—		
(i) At 16 years of age or over	83	8
(ii) Under 16 years of age	69	2
(b) Learners employed in card-cutting for one period of learnership not exceeding 12 months where such learnership is commenced—		
(i) At 16 years of age or over	83	8
(ii) Under 16 years of age	69	2

(a) S.I. 1963/2005 (1963 III, p. 4232).

- (2) For the purposes of this paragraph a learner is a female worker who is employed during the whole or a substantial part of her time in learning weaving, warping, winding, reeling, spinning or card-cutting by an employer who ensures that she receives reasonable and proper facilities for such learning and, in the case of a learner employed in weaving, is placed under a competent worker to be taught.
- (3) Notwithstanding the provisions of paragraph 2, the weekly remuneration applicable to a worker who is employed in teaching a learner weaving shall be not less than the sum of the following amounts, that is to say—
- the amount obtained by multiplying the worker's average hourly earnings during the previous eight weeks (exclusive of any week during which she was teaching a learner) by the number of hours constituting the worker's normal working week while teaching the learner;
 - the amount (if any) by which the piece work basis time rate in paragraph 4 exceeds the piece work basis time rate which was applicable at the end of the period of eight weeks specified in (a); and
 - 12 shillings a week.

PIECE WORK BASIS TIME RATE

	Per week of 42½ hours	
	s.	d.
4. The piece work basis time rate applicable to female workers employed on piece work is	128	7

GUARANTEED TIME RATES FOR PIECE WORKERS

5. The guaranteed time rates applicable to female workers employed on piece work (except learners to whom the minimum rates specified in paragraph 3(1) apply) are as follows:—

	Per week of 42½ hours	
	s.	d.
Aged 18 years or over	117	10
" 17 and under 18 years	96	8
" 16 " " 17 "	83	8
" under 16 years	69	2

PART III

MALE WORKERS

GENERAL MINIMUM TIME RATES

6. The following general minimum time rates are applicable to male workers:—

	Per week of 42½ hours	
	s.	d.
(1) Tenters aged 21 years or over	206	5
(2) Under-tenters aged 21 years or over—		
(a) During the first year of employment as an under-tenter at or after the age of 21 years	162	0
(b) During the second and third years of employment as an under-tenter after the age of 21 years	174	6
(c) Thereafter	186	6
(3) Dressers, mounters, card-cutters and hacklers (hand-dressers) aged 21 years or over	196	8

		Per week of 42½ hours	
		s.	d.
(4)	Hemp-rollers on non-reciprocating machines and hemp breakers aged 21 years or over	199	11
(5)	Day Shift spinners—		
	Aged 21 years or over	177	11
	" 20 and under 21 years	151	9
	" 19 " " 20 "	136	7
	" 18 " " 19 "	123	0
	" 17 " " 18 "	92	7
(6)	Night Shift spinners—		
	Aged 21 years or over	207	7
	" 20 and under 21 years	177	1
	" 19 " " 20 "	159	4
	" 18 " " 19 "	143	6
(7)	Weavers aged 21 years or over—		
	(a) During the first six months of employment as a weaver at or after the age of 21 years	174	6
	(b) Thereafter	186	6
(8)	All other workers (except the apprentices and improvers to tenting or dressing to whom paragraph 7 applies):—		
	Aged 21 years or over	176	9
	" 20 and under 21 years	148	6
	" 19 " " 20 "	134	0
	" 18 " " 19 "	120	6
	" 17 " " 18 "	96	9
	" 16 " " 17 "	83	7
	" under 16 years	69	2

APPRENTICES AND IMPROVERS TO TENTING OR DRESSING

7.—(1) The following general minimum time rates are applicable to male workers:—

		Per week of 42½ hours	
		s.	d.
(a)	Apprentices to tenting, aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—		
	During the—		
	1st year of apprenticeship	83	7
	2nd " "	96	9
	3rd " "	120	6
	4th " "	134	0
(b)	Improvers to tenting—		
	During the 1st year of employment as an improver	159	2
	During the 2nd year of employment as an improver	192	1
(c)	Apprentices to dressing aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—		
	During the—		
	1st year of apprenticeship	83	7
	2nd " "	96	9
	3rd " "	120	6

(d) Improvers to dressing—

During the one year of employment as an improver ... 132 4

(2) For the purposes of this paragraph :—

(a) an improver to tenting is a male worker who having completed four years' apprenticeship as an apprentice tenter in accordance with the provisions of Part V of this Schedule has had thereafter less than two years' employment in tenting and is the holder of a certificate of registration as an improver to tenting issued by, or on behalf of, the Wages Council or has made application for such certificate which has been acknowledged and is still under consideration ;

(b) an improver to dressing is a male worker who having completed three years' apprenticeship as an apprentice dresser in accordance with the provisions of Part V of this Schedule has had thereafter less than one year's employment in dressing.

PIECE WORK BASIS TIME RATE**HOSE-PIPE WEAVERS**

	Per week of 42½ hours	
	s.	d.
8. The piece work basis time rate applicable to male hose-pipe weavers employed on piece work on power or hand looms is ...	195	2

**GUARANTEED TIME RATES FOR PIECE WORKERS
WEAVERS****9. The guaranteed time rates applicable to male weavers employed on piece work are as follows :—**

	Per week of 42½ hours	
	s.	d.
(1) During the first six months of employment as a weaver at or after the age of 21 years	174	6
(2) Thereafter	186	6"

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from the 21st August 1964, amends the Wages Regulation (Flax and Hemp) (No. 2) Order 1963 (Order F.H.(102)), by increasing the statutory minimum remuneration fixed by that Order.

New rates are printed in italics.

1964 No. 1255

ANIMALS

**The Diseases of Animals (Seizure of Carcases, etc.)
Order 1964**

Made - - - - - 30th July 1964
Coming into Operation 15th August 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by subsections (1) and (7) of section 13 of the Agriculture (Miscellaneous Provisions) Act 1963(a), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This Order, which may be cited as the Diseases of Animals (Seizure of Carcases, etc.) Order 1964, applies to Great Britain and shall come into operation on 15th August 1964.

Interpretation

2.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Act of 1950” means the Diseases of Animals Act 1950(b);

“infected place or area” means an infected place or area for the purposes of the Act of 1950;

“inspector” means a person appointed to be an inspector for the purposes of the Act of 1950 by the Minister or by a local authority, and, in the case of a person so appointed by the Minister, includes a veterinary inspector;

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) Other expressions used in this Order of which there are definitions in section 84(4) of the Act of 1950 have the meanings thereby respectively assigned to them.

(3) References in this Order to the Act of 1950 or to any order made thereunder include references to that Act or any such order as from time to time amended.

(4) The Interpretation Act 1889(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Seizure of carcases, etc. liable to spread disease

3.—(1) For the purpose of preventing the spread of any of the diseases mentioned in the first column of the Schedule to this Order an inspector may, in relation to any of the animals or birds mentioned in the second column of the said Schedule (shown respectively opposite the diseases mentioned in the said first column) seize, destroy, bury, dispose of or treat, any of the things mentioned in the third column of the said Schedule

(a) 1963 c. 11.

(b) 14 Geo. 6. c. 36.

(c) 52 & 53 Vict. c. 63.

(shown respectively opposite the entries in the said first and second columns) which in the opinion of the inspector involve a risk of the spreading of the relevant disease mentioned in the said first column.

(2) The powers conferred on an inspector by paragraph (1) of this Article shall, in the case of an inspector appointed by a local authority, be exercisable only pursuant to a direction given by the Minister to such authority.

(3) An inspector may, instead of destroying, burying, disposing of or treating anything seized by him under paragraph (1) of this Article, cause it to be destroyed, buried, disposed of or treated (as the case may be) by some other person.

(4) The powers conferred by this Article shall be exercisable both within an infected place or area, and elsewhere.

(5) Nothing in this Article shall be in derogation of any power arising under—

- (a) any order made under the Act of 1950 for preventing the spreading of any of the diseases mentioned in the first column of the Schedule to this Order ; or
- (b) any order made under section 11(v) of the Act of 1950 prescribing or regulating the destruction, burial, disposal or treatment of anything, being in an infected place or area or removed thereout, which is mentioned in the third column of the Schedule to this Order.

Compensation

4.—(1) Subject to paragraph (2) of this Article the compensation payable for anything seized under this Order (being, in accordance with section 13(4) of the Agriculture (Miscellaneous Provisions) Act 1963, the value thereof at the time of the seizure) shall be ascertained in like manner to the compensation payable in respect of an animal or bird slaughtered or liable to be slaughtered under the Act of 1950, as prescribed in the Diseases of Animals (Ascertainment of Compensation) Order 1959^(a), and as if the references therein (other than in Article 5 thereof) to any animal or bird included references to anything which may be seized under this Order.

(2) Compensation shall not be payable in respect of any carcase affected with any disease mentioned in the first column of the Schedule to this Order other than foot-and-mouth disease.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 30th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

(a) S.I. 1959/1335 (1959 I, p. 227).

SCHEDULE

Disease	Animals or birds affected	Things which may be seized, etc.
Foot-and-mouth disease	Cattle, sheep, pigs, goats.	Carcases, fodder, litter, fertilisers.
Swine fever	Pigs	Carcases, fodder, litter, fertilisers.
Fowl pest in any of its forms, including Newcastle disease and fowl plague.	Poultry	Carcases, fodder, litter, eggs, fertilisers.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under section 13 of the Agriculture (Miscellaneous Provisions) Act 1963 empowers inspectors of the Ministry of Agriculture, Fisheries and Food and of local authorities to seize and dispose of the carcasses, fodder, litter, or fertilisers (and also, in the case of poultry, eggs) of specified animals and of poultry which in the inspector's opinion involve a risk of the spreading of foot-and-mouth disease or swine fever, or, in the case of poultry, fowl pest.

By virtue of section 13 compensation for anything seized under the Order (other than carcasses of animals affected with swine fever and of poultry with fowl pest—for which no compensation is payable) is its value at the time of seizure. The Order provides for such compensation and for compensation in respect of carcasses of animals affected with foot-and-mouth disease to be ascertained in accordance with the procedure laid down in the Diseases of Animals (Ascertainment of Compensation) Order 1959 (S.I. 1959/1335).

The Order applies to Great Britain.

1964 No. 1260 (S. 85)

REMAND HOMES

The Remand Home (Scotland) Rules 1964

Made - - - - 31st July 1964
 Coming into Operation 1st October 1964

In exercise of the powers conferred upon me by section 82(3) of the Children and Young Persons (Scotland) Act 1937(a) and of all other powers enabling me in that behalf, I hereby make the following rules:—

Citation and Commencement

1. These rules may be cited as the Remand Home (Scotland) Rules 1964, and shall come into operation on 1st October 1964.

Interpretation

2.—(1) In these rules the following expressions have the meanings hereby respectively assigned to them, that is to say—

“child” means a child or young person who is detained in a remand home in pursuance of the Children and Young Persons (Scotland) Act 1937, the Criminal Justice (Scotland) Act 1949(b) or the Mental Health (Scotland) Act 1960(c);

“inspector” means any person authorised by the Secretary of State to inspect remand homes;

“parent” includes adoptive father, or adoptive mother, stepfather, step-mother and guardian.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Aims

3. Local authorities shall so conduct remand homes as in general to promote the welfare of the children admitted thereto, and in particular to ensure that such children are secure in custody, that their individual circumstances are carefully considered and assessed and that they receive appropriate care and training.

Staff

4.—(1) The local authority shall appoint a suitably qualified person (hereinafter referred to as the “Superintendent”) to be in charge of a remand home and shall employ staff of such number and with such qualifications as will be adequate for the proper conduct of the remand home.

(2) In the absence of the Superintendent, a remand home shall be in the charge of, and the duties of the Superintendent carried out by, a member of the staff appointed for the purpose.

(3) The local authority shall appoint for the remand home a medical officer, being a medical practitioner duly registered under the Medical Acts.

(a) 1 Edw. 8 & 1 Geo. 6. c. 37.
 (c) 8 & 9 Eliz. 2. c. 61.

(b) 12, 13 & 14 Geo. 6. c. 94.
 (d) 52 & 53 Vict. c. 63.

(4) Notwithstanding the provisions of the preceding sub-paragraph the local authority may appoint more than one medical officer for the remand home ; in particular they may arrange for a medical practitioner to provide in respect of the children accommodated in the remand home general medical services under Part IV of the National Health Service (Scotland) Act 1947(a) and to undertake such of the duties prescribed in Rule 14 hereof as come within the scope of said general medical services.

(5) The local authority shall appoint chaplains of appropriate denominations.

Reception

5.—(1) On admission to a remand home each child shall be interviewed by the Superintendent who shall explain to the child the reasons for his being so admitted, and the provisions of Rules 11, 12, 13 and 14 which relate to correspondence, visits, religious observance and medical examination and care.

(2) As soon as practicable after the admission of a child to a remand home, the Superintendent shall notify the child's parent of such admission and at the first opportunity shall explain to the parent the general purport of the rules and conditions to which the child will be subject following such admission.

Food and Clothing

6. Each child shall be provided with wholesome and appetising food, reasonably varied and adequate for the maintenance of health and strength in accordance with a dietary scale, which shall include a table of minimum quantities, prepared by the Superintendent in consultation with the medical officer.

7. Each child shall wear his own clothing but where in the opinion of the Superintendent it is necessary or desirable on the grounds of health, cleanliness, or welfare, to do so in any particular case, clothing and footwear adequate for warmth and health outdoors as well as indoors shall be provided.

Education and Training

8. Appropriate primary or secondary education shall be given to each child of school age and education and suitable practical instruction shall be given to each child over school age.

9. Children may be required to do a reasonable amount of domestic work suitable to their individual capabilities, provided that—

(a) a child of school age may not be so occupied for more than two hours of any day ; and

(b) a child who has not attained the age of 12 years may be given only light work such as making his bed.

Recreation

10. Children shall be allowed not less than two hours daily for recreation and exercise, and not less than one hour thereof shall be spent in exercise in the open air except in inclement weather. The outdoor exercise shall be under the supervision of a member of the staff. Suitable and varied books and equipment for games and pastimes shall be provided and renewed as necessary.

Correspondence

11.—(1) Children shall be allowed to receive letters and shall be encouraged to write to their parents. For the latter purpose postage stamps shall be provided free by the local authority.

(2) Letters to or from the children may be read by the Superintendent or by a senior member of the staff deputed for the purpose by the Superintendent. The Superintendent shall have power to withhold any letter, provided that—

(a) a letter to a member of a local authority, to the Secretary of State or any of his officers or departments, or to a Member of Parliament may not be withheld ; and

(b) a letter shall not be withheld unreasonably or as a punishment.

When a letter is withheld the reasons shall be noted in the log book and the letter shall be preserved for at least one year.

Visits to Children

12.—(1) Children shall be allowed to receive visits from their parents, relatives and friends at specified times and at other times with the consent of the Superintendent, provided that the Superintendent may suspend visits to a particular child in the interests of that child or the conduct of the remand home. Any such suspension shall be recorded in the log book.

(2) Children awaiting appearance in court shall be allowed to be visited by their legal advisers.

(3) A remand home may be visited at any reasonable time by sheriffs, justices and magistrates of courts from which children are received in a remand home and by officers and members of every local authority making use of a remand home.

(4) Police, probation officers and officers of local authorities shall be allowed to visit any child.

Religious Observance

13. Arrangements shall be made where practicable for each child to attend preferably within the remand home a religious service appropriate to his religious persuasion. Chaplains shall be allowed to visit any child at any reasonable time.

Medical Care

14.—(1) The duties of the medical officer shall include—

(a) the general supervision of the health and cleanliness of the children in the remand home ;

(b) the general supervision of the hygienic condition of the remand home premises and of the health of the staff ;

(c) attendance at the remand home at weekly intervals ;

(d) examination of each child within 24 hours of his admission to the remand home ;

(e) provision for each child of such medical attention as may be necessary ;

(f) examination of each child immediately before his discharge from the remand home unless this is considered unnecessary by the medical officer ;

(g) supervision of the compilation of a medical record for each child containing, so far as the circumstances of each case permit or make necessary, particulars of the medical history of the child before

admission, his physical and mental condition on admission, his medical history while accommodated in the remand home and his condition on discharge from the remand home ; and

(h) the preparation and submission to the local authority of such reports in relation to the duties described in this sub-paragraph as may be required by the local authority.

(2) If a child in the care of a local authority is accommodated in a remand home not under the control of that authority, the authority responsible for the remand home shall on a request which may be made at any time provide that local authority with a medical report on the child.

Dental Care

15. The local authority shall make such arrangements as may be necessary for the urgent dental care of the children in the remand home, and for this purpose may use the school health service or the general dental services available under the National Health Service (Scotland) Act 1947.

Illness and Injury

16. In the event of the death or serious illness of or serious injury to any child accommodated in a remand home, the Superintendent shall immediately inform the parent, the local authority, the Secretary of State and the Clerk of any appropriate Court.

Fire Precautions

17.—(1) The local authority shall secure by means of regular fire drills and practices that the staff of the remand home are acquainted with the alarm, escape and fire-fighting arrangements and that the staff and, so far as is practicable, the children are well versed in the procedure for evacuation of the building whenever alarm of fire is given.

(2) The local authority shall notify the Secretary of State immediately of any outbreak of fire necessitating the removal of any child from the remand home or from any part of it affected by the fire.

18. The local authority shall consult the fire authority for the area in which the home is situated about the fire precautions which are suitable and necessary for the remand home and shall give to the Superintendent a copy of any report from the fire authority relating to the remand home.

Accommodation

19. Save in exceptional circumstances, the number of children accommodated in a remand home shall not exceed the number specified by the Secretary of State in respect of that remand home and every occasion on which the specified number is exceeded shall be recorded in the log book.

20. Sufficient and suitable accommodation and equipment shall be provided for the residence, education, recreation and care of the children.

21. Boys shall be segregated from girls unless when under the supervision of a member of staff.

22.—(1) Bedrooms shall contain a bed for each child, and shall have adequate ventilation, adequate heating, and adequate natural and artificial lighting. There shall be easy access from each bedroom to suitable and sufficient water closets and washing facilities. The number of beds in each bedroom shall not exceed the number specified by the Secretary of State.

(2) Bedrooms, water closets and washing facilities for boys shall be separate from those for girls.

Discipline

23. The discipline of the remand home shall be maintained by the personal influence of the Superintendent and his staff, and may be enforced when necessary by the forms of punishment authorised by these rules.

Punishment

24. Punishment may be by reprimand, or by temporary loss of recreation or privileges, provided that a child shall not be deprived of any meal or of exercise in the open air.

25.—(1) When the above methods are not appropriate corporal punishment may be ordered by the Superintendent subject to the following conditions—

- (a) it shall not be administered to a girl ;
- (b) it shall be administered only by the Superintendent in the presence of an adult witness, and any assistance necessary in administering it may be given only by a member of the staff of the remand home ;
- (c) it shall not be inflicted on more than one occasion for one offence ;
- (d) it shall not, without the approval of the medical officer, be administered to any boy who shows any sign of physical weakness, mental illness or mental deficiency ;
- (e) it shall be inflicted only by means of a light tawse ;
- (f) a boy who has reached the age of 14 years may be given not more than three strokes on each hand or six strokes on the posterior over ordinary cloth trousers, and a younger boy may be given not more than two strokes on each hand or four strokes on the posterior over ordinary cloth trousers ;
- (g) corporal punishment in any form not authorised by these rules shall not be inflicted by any person on any child and striking, cuffing and shaking are strictly forbidden ; and
- (h) any person who commits a breach of this rule shall be liable to dismissal or other disciplinary action.

(2) All cases of corporal punishment shall be immediately recorded in the log book.

Separation

26. The Superintendent may order a child who is behaving in an unmanageable or violent manner or is likely, in the opinion of the Superintendent, to exercise a bad influence on the other children to be temporarily separated from the other children by being confined in a room approved for the purpose by the Secretary of State ; provided that—

- (a) no child shall be so separated for longer than, in the opinion of the Superintendent, is reasonably necessary ;
- (b) the room shall have good natural lighting and when occupied shall be kept lit after dark, and shall have adequate ventilation and heating ;
- (c) the medical officer shall be consulted if there is any reason to think that such separation might be in any respect harmful to the child ;

- (d) suitable forms of occupation shall be provided ;
- (e) the child shall as far as practicable be given exercise and recreation ;
- (f) means of communication between the child and a member of staff shall be available at all times during the day and night and the child shall be visited frequently by a member of staff and at least once each day by the Superintendent ;
- (g) such separation shall not be continued for more than 24 hours or for more than two successive nights without consultation with the medical officer and the prior consent of the local authority ; and
- (h) each such separation and the circumstances thereof shall be recorded in the log book without delay.

Supervision and Inspection

27. The local authority shall appoint three of their number, of whom at least one shall be a woman, to visit the remand home at least once every month.

28. Remand homes shall be open to inspection at all times by an inspector.

Records and Reports

29. The Superintendent shall keep the following records:—

- (a) a register in which shall be recorded all admissions and discharges ;
- (b) a log book in which shall be entered every event of importance connected with the remand home, including—
 - (i) visits and inspections ;
 - (ii) all cases of infectious disease, serious illness, serious injury or death ;
 - (iii) occasions on which corporal punishment is administered ;
 - (iv) absconding or unlawful removal of a child ;
 - (v) fire drills ;
 - (vi) suspension of visits to a child ;
 - (vii) occasions on which a letter from or to a child is withheld ; and
 - (viii) occasions on which a child is separated under Rule 26 ; and
- (c) a menu book in which shall be recorded details of each meal served each day.

30. The records prescribed in Rule 29 shall be inspected at regular intervals not exceeding one month by the persons appointed under Rule 27 to visit the remand home, and shall be made available for inspection by any of the said persons and by an inspector.

31. The local authority shall report to the Secretary of State at intervals of three months the number of occasions and circumstances of:—

- (a) the accommodation of children in excess of the number specified by the Secretary of State under Rule 19 ;
- (b) changes of staff, other than domestic staff ;
- (c) corporal punishment ; and
- (d) absconding or unlawful removal of a child.

Application of Rules

32.—(1) These rules shall apply to a child detained in a remand home as a place of safety under powers conferred by any statute as they apply to a child committed to custody in a remand home.

(2) In the application of these rules to private premises with whose occupiers the local authority have arranged for the use of part of the premises as a remand home under section 81(1) of the Children and Young Persons (Scotland) Act 1937 or to children detained in such premises, as the case may be, Rules 8, 11(2), 17, 22, 25 and 27 shall not apply and Rules 10, 12, 29 and 30 shall apply only so far as practicable and appropriate.

Revocation

33. The Remand Home (Scotland) Rules 1946(a) are hereby revoked.

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

31st July 1964.

EXPLANATORY NOTE

(This Note is not part of the rules, but is intended to indicate their general purport.)

These rules deal with the treatment, employment and control of children detained in remand homes provided by local authorities under section 81 of the Children and Young Persons (Scotland) Act 1937, and with the visiting and inspection of the homes.

(a) S.R. & O. 1946/693 (Rev. XI, p. 667: 1946 I, p. 129).

1964 No. 1261 (S. 86)

EDUCATION, SCOTLAND

**The Education Authority Bursaries (Scotland) (Amendment
No. 1) Provisional Regulations 1964**

<i>Made - - - -</i>	<i>3rd August 1964</i>
<i>Laid before Parliament</i>	<i>11th August 1964</i>
<i>Coming into Operation</i>	<i>12th August 1964</i>

In exercise of the powers conferred upon me by section 49(3) of the Education (Scotland) Act 1962(a) and of all other powers enabling me in that behalf, I hereby make the following regulations: and I hereby certify under section 144(3) of the said Act that on account of urgency the said regulations ought to come into immediate operation, and I accordingly make them as provisional regulations.

Citation, commencement and period of operation

1.—(1) These regulations may be cited as the Education Authority Bursaries (Scotland) (Amendment No. 1) Provisional Regulations 1964.

(2) These regulations and the Education Authority Bursaries (Scotland) Regulations 1963(b) (hereinafter referred to as “the principal regulations”) shall be construed as one and may be cited together as the Education Authority Bursaries (Scotland) Regulations 1963 to 1964.

(3) These regulations shall come into operation on 12th August 1964, and shall remain in force until 30th June 1965.

Granting of Maintenance Allowances to School Pupils

2. In paragraph 1 of Schedule 1 to the principal regulations, after the words “special school” there shall be inserted the following words—“by pupils over the age of 16 years”.

Assessment of Full-time Further Education Bursaries

3. In paragraph 6 of Schedule 2 to the principal regulations, for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) If in any payment period the holder is required to attend regularly at the educational institution at which the bursary is tenable for less than three terms, the contribution so ascertained shall be reduced by such sum as the education authority consider reasonable.”

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

3rd August 1964.

(a) 10 & 11 Eliz. 2. c. 47.

(b) S.I. 1963/1132 (1963 II, p. 1914).

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

As a result of the operation of sections 32(4) and 49(2)(c) of the Education (Scotland) Act 1963 handicapped children between the ages of 15 and 16 in attendance at special schools were not eligible for higher school bursaries. Section 3 of the Education Act 1964 makes such children eligible for bursaries, and these regulations, which amend the Education Authority Bursaries (Scotland) Regulations 1963, provide that the maximum rates of allowances for children in attendance at special schools are £70 a year for those between the ages of 15 and 16 and £100 a year for those over the age of 16.

Under paragraph 6(2) of Schedule 2 to the 1963 Regulations, education authorities are required to reduce the parental contribution where the period of attendance at the educational establishment is not more than 15 weeks. There is no power, however, to reduce the contribution where the period of attendance during a session is more than 15 weeks but less than 3 normal terms. The opportunity has been taken of amending this paragraph to enable education authorities to reduce the parental contribution in all cases where attendance is for a session of less than 3 terms.

1964 No. 1267

WATER RESOURCES, ENGLAND AND WALES

The River Authorities (First Appointed Day) Order 1964

Made 5th August 1964

The Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of their powers under section 3 of the Water Resources Act 1963(a) (hereinafter called "the Act") and of all other powers enabling them in that behalf, hereby make the following order:—

1. The day appointed for the purposes of paragraph (a) of section 3(4) of the Act shall be 15th October 1964.
2. This order may be cited as the River Authorities (First Appointed Day) Order 1964.

Given under the official seal of the Minister of Housing and Local Government on 5th August 1964.

(L.S.)

J. H. Waddell,
Deputy Secretary,
Ministry of Housing and Local Government.

Given under the official seal of the Minister of Agriculture, Fisheries and Food on 5th August 1964.

(L.S.)

P. Humphreys-Davies,
Deputy Secretary,
Ministry of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This order appoints the day on which all the river authorities established by virtue of section 3 of the Act are to come into existence. It is the day which is referred to in the Act as the first appointed day.

(a) 1963 c. 38.

1964 No. 1268

WATER RESOURCES, ENGLAND AND WALES

**The River Authorities (Second Appointed Day) Order
1964**

Made - - - - 5th August 1964

The Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of their powers under section 3 of the Water Resources Act 1963(a) (hereinafter called "the Act") and of all other powers enabling them in that behalf, hereby make the following order:—

1. The day appointed for the purposes of paragraph (b) of section 3(4) of the Act shall be 1st April 1965.

2. This order may be cited as the River Authorities (Second Appointed Day) Order 1964.

Given under the official seal of the Minister of Housing and Local Government on 5th August 1964.

(L.S.)

J. H. Waddell,
Deputy Secretary,
Ministry of Housing and Local Government.

Given under the official seal of the Minister of Agriculture, Fisheries and Food on 5th August 1964.

(L.S.)

P. Humphreys-Davies,
Deputy Secretary,
Ministry of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This order appoints the day with effect from which all the river authorities established by virtue of section 3 of the Act are to perform their new and transferred functions. It is the day which is referred to in the Act as the second appointed day.

(a) 1963 c. 38.

1964 No. 1269

CUSTOMS AND EXCISE

The Pre-entry of Goods Orders Revocation Order 1964

<i>Made - - - - -</i>	<i>6th August 1964</i>
<i>Laid before Parliament</i>	<i>14th August 1964</i>
<i>Coming into Operation</i>	<i>21st August 1964</i>

Whereas by section 139 of the Customs Consolidation Act 1876(a) the Commissioners of Customs and Excise were authorised, by order under their hands, to require due entry and clearance before shipment, of any goods intended for exportation or carriage coastwise ;

And Whereas the said Commissioners, acting under that authority, have made the Pre-entry of Goods Order 1939(b) and the Pre-entry of Goods Order 1939 Amendment Order 1952(c) ;

And Whereas it is provided by section 316 of the Customs and Excise Act 1952(d) that any order having effect immediately before the commencement of that Act under any enactment repealed by that Act relating to any matter with respect to which the said Commissioners have under that Act power to make orders shall, unless and until revoked or varied by the said Commissioners, have effect as if made under that power ;

And Whereas section 139 of the Customs Consolidation Act 1876 was repealed by section 320(1) of, and Part 1 of Schedule 12 to, the Customs and Excise Act 1952 ;

And Whereas the said Commissioners have power under section 64(1) of the Customs and Excise Act 1952 by order made by statutory instrument to require with respect to any goods entry and clearance thereof in such manner as they may direct before their exportation or shipment for exportation, for carriage coastwise or as stores ;

And Whereas accordingly the Pre-entry of Goods Order 1939 and the Pre-entry of Goods Order 1939 Amendment Order 1952 have effect as if made under the power contained in section 64(1) of the Customs and Excise Act 1952 ;

Now, therefore, the said Commissioners in pursuance of the powers conferred upon them by section 64(2) of the Customs and Excise Act 1952 hereby make the following Order :—

1. The Pre-entry of Goods Order 1939 and the Pre-entry of Goods Order 1939 Amendment Order 1952 are hereby revoked.

2. This Order may be cited as the Pre-entry of Goods Orders Revocation Order 1964.

(a) 39 & 40 Vict. c. 36.

(b) S.R. & O. 1939/1089 (Rev. V, p. 530: 1939 I, p. 614).

(c) S.I. 1952/719 (1952 I, p. 774).

(d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

3. This Order shall come into operation on 21st August 1964.

A. D. Owen,
Commissioner of Customs and Excise.

6th August 1964.

**King's Beam House,
London, E.C.3.**

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order revokes the Pre-entry of Goods Order 1939, and the Pre-entry of Goods Order 1939 Amendment Order 1952, which required the exporter or shipper of any goods intended for exportation, carriage, coastwise or shipment as stores to deliver a form of entry giving particulars of the goods to the Customs before shipment. Pre-entry before shipment is required by section 47 of the Customs and Excise Act 1952, only in the cases set out in that section.

1964 No. 1275 (C. 16)

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid Act 1964 (Commencement) Order 1964

Made - - - - 5th August 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 6(2) of the Legal Aid Act 1964(a) hereby make the following Order:—

1. This Order may be cited as the Legal Aid Act 1964 (Commencement) Order 1964.
2. The Legal Aid Act 1964 shall come into force as regards England and Wales on 1st October 1964.

Dated 5th August 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings the Legal Aid Act 1964 into force, as regards England and Wales, on 1st October 1964.

(a) 1964 c. 30.

1964 No. 1276

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid (Costs of Successful Unassisted Parties)
Regulations 1964

Made - - - -	5th August 1964
Laid before Parliament	12th August 1964
Coming into Operation	1st October 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 12(1) of the Legal Aid and Advice Act 1949(a) and section 2(1) and (2) of the Legal Aid Act 1964(b), hereby make the following Regulations:—

Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Costs of Successful Unassisted Parties) Regulations 1964 and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires:—

“the Act” means the Legal Aid Act 1964;

“affidavit of costs and resources” means an affidavit sworn by an applicant in support of his application which includes the matters specified in the Schedule hereto;

“applicant” means a person applying for an order under the Act;

“application” means an application for an order under the Act;

“the Area Secretary” means the Secretary of the Area Committee appointed by the Council of the Law Society under the provisions of a scheme made under section 8 of the Legal Aid and Advice Act 1949 in whose area legal aid was granted for the proceedings in respect of which an application is made or his duly authorised representative;

“court” in relation to proceedings tried or heard at first instance by a Master of the Supreme Court, a Registrar of the Probate, Divorce and Admiralty Division of the High Court or the Registrar of a county court includes that Master or Registrar;

“the General Regulations” means the Legal Aid (General) Regulations 1962(d) as amended(e) and any provision replacing a provision of those Regulations;

“master or registrar” in relation to an application made in respect of proceedings in or on appeal from the Chancery or Queen’s Bench Divisions of the High Court means a Taxing Master of the Supreme Court or a District Registrar of the High Court; and in relation to an application

(a) 12, 13 & 14 Geo. 6. c. 51.

(b) 1964 c. 30.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1962/148 (1962 I, p. 117).

(e) S.I. 1962/1714 (1962 II, p. 2122).

made in respect of proceedings in or on appeal from the Probate, Divorce and Admiralty Division of the High Court means a Registrar of the said Division or a District Registrar of the High Court ;

“ order under the Act ” means an order under section 1 of the Act for the payment out of the legal aid fund of the costs of a successful unassisted party ; and

“ registrar ” in relation to an application made in respect of proceedings in or on appeal from a county court means the registrar of that county court.

GENERAL PROVISIONS

Separate proceedings

2. Any proceedings in respect of which a separate civil aid certificate could properly be issued under the General Regulations to a person receiving legal aid shall be treated as separate proceedings for the purposes of the Act.

Applicants in a fiduciary, representative or official capacity

3. Where an unassisted party is concerned in proceedings only in a fiduciary, representative or official capacity, then for the purposes of section 1(3)(b) of the Act the court shall not take into account his personal resources, but shall have regard to the value of the property, estate or fund out of which the unassisted party is entitled to be indemnified and may in its discretion also have regard to the resources of the persons, if any, who are beneficially interested in that property, estate or fund.

Time and form of applications

4. An application may be made at any time and in any manner in which an application for an order for costs might be made in respect of the same proceedings if neither party were receiving legal aid.

Written representations by Area Secretary

5.—(1) In any case where these Regulations confer on the Area Secretary a right to appear at any hearing or inquiry in connection with any application, he may, instead of so appearing, submit written representations concerning the application.

(2) Written representations submitted under paragraph (1) of this Regulation shall be :—

- (a) supported by an affidavit sworn by the Area Secretary ; and
- (b) sent to the proper officer of the court, and copies thereof sent to the applicant, not less than 7 days before the hearing or inquiry to which they relate.

MAGISTRATES' COURTS PROCEEDINGS

Applications in respect of magistrates' courts proceedings

6.—(1) This Regulation shall apply to any application made in respect of proceedings at first instance in a magistrates' court.

(2) On an application being made, the court shall not make an order under the Act forthwith, but may in its discretion either :—

- (a) adjourn the hearing of the application ; or
- (b) dismiss the application forthwith.

(3) If the court adjourns the hearing of the application, the applicant shall swear an affidavit of costs and resources, which he shall produce at the adjourned hearing.

(4) Not less than 21 days before the adjourned hearing, the applicant shall serve notice of the date and time thereof on the Area Secretary, together with a copy of his affidavit of costs and resources.

(5) The applicant need not serve on the Area Secretary any exhibit to or document supporting his affidavit of costs and resources, but the Area Secretary may call on the applicant to produce any such exhibit or document for inspection.

(6) The applicant and the Area Secretary may appear before the court at the adjourned hearing.

COUNTY COURT PROCEEDINGS

Treatment of applications

7.—(1) This Regulation and Regulations 8 to 10 shall apply to any application made in respect of proceedings in or on appeal from a county court.

(2) On an application being made, the court shall not make an order under the Act forthwith, but may in its discretion:—

- (a) refer the application to the registrar for hearing and determination; or
- (b) adjourn the application; or
- (c) dismiss the application forthwith.

Reference of applications for hearing and determination

8. Where the court makes an order referring an application to the registrar for hearing and determination:—

- (a) the provisions of Regulation 10 shall thereafter apply as if the registrar were the court and the court had adjourned the hearing of the application to a date to be fixed; and
- (b) the applicant may appeal to the judge on a point of law from the registrar's determination within 14 days thereof.

Applications adjourned and referred for inquiry and report

9.—(1) The court may, if it adjourns the hearing of an application, make an order referring it to the registrar for inquiry and report; and if it does so, then:—

- (a) the court shall serve a copy of its order on the applicant;
- (b) within 21 days of the court making its order (or such longer time as the court may allow), the applicant shall file an affidavit of costs and resources together with a copy thereof; and
- (c) the court shall thereupon serve a copy of the order of the court and of the applicant's affidavit of costs and resources on the Area Secretary.

(2) In complying with paragraph (1)(c) of this Regulation, the court need not serve on the Area Secretary any exhibit to or document supporting the applicant's affidavit of costs and resources; but the Area Secretary may inspect at the county court office any such exhibit or document, and may bespeak a copy thereof.

(3) As soon as the court has complied with paragraph (1)(c) of this Regulation, the registrar shall give the applicant and the Area Secretary not less than 21 days' notice of the date and time when he proposes to conduct his inquiry.

(4) In exercising his functions under this Regulation, the registrar shall have all the same powers as a taxing officer has in the exercise of his functions under the County Court Rules 1936(a).

(5) The applicant and the Area Secretary may appear before the registrar at his inquiry.

(6) On completing his inquiry, the registrar shall report to the court in writing, and shall at the same time send a copy of his report to the applicant and the Area Secretary.

(7) When the court has received the registrar's report, it shall send to the applicant and the Area Secretary notice of an appointment before the court for the hearing and determination of the application in chambers, giving not less than 21 days' notice thereof.

(8) The applicant and the Area Secretary may appear before the court at the adjourned hearing of the application.

Applications adjourned but not referred for inquiry and report

10.—(1) If the court adjourns the hearing of an application but does not refer it to the registrar for inquiry and report, then:—

- (a) within 21 days of the adjournment the applicant shall file an affidavit of costs and resources together with a copy thereof; and
- (b) not less than 21 days before the adjourned hearing the court shall serve on the Area Secretary notice of the date thereof together with a copy of the applicant's affidavit of costs and resources.

(2) In complying with paragraph (1)(b) of this Regulation, the court need not serve on the Area Secretary any exhibit to or document supporting the applicant's affidavit of costs and resources, but the Area Secretary may inspect at the county court office any such exhibit or document, and may bespeak a copy thereof.

(3) The applicant and the Area Secretary may appear before the court at the adjourned hearing.

HIGH COURT PROCEEDINGS

Treatment of applications

11.—(1) This Regulation and Regulations 12 to 14 shall apply to any application made in respect of proceedings at first instance in the High Court.

(2) On an application being made, the court shall not make an order under the Act forthwith, but it may in its discretion:—

- (a) refer the application to the master or registrar for hearing and determination; or
- (b) adjourn the hearing of the application; or
- (c) dismiss the application forthwith.

Reference of applications for hearing and determination

12. Where the court makes an order referring an application to the master or registrar for hearing and determination:—

- (a) the provisions of Regulation 14 shall thereafter apply as if the master or registrar were the court and the court had adjourned the hearing of the application to a date to be fixed; and
- (b) the applicant may appeal to a judge sitting in chambers on a point of law from the determination of the master or registrar within 14 days thereof.

Applications adjourned and referred for inquiry and report

13.—(1) The court may, if it adjourns the hearing of an application, make an order referring it to the master or registrar for inquiry and report; and if it does so, then within 21 days of the court making the order (or such longer time as the master or registrar shall allow) the applicant shall:—

- (a) file an affidavit of costs and resources;
- (b) lodge a copy of the order of the court and of his affidavit of costs and resources, together with original exhibits and any other documents necessary to support the affidavit, with the master or registrar; and at the same time
- (c) serve a copy of the order of the court and of his affidavit of costs and resources on the Area Secretary.

(2) In complying with paragraph (1)(c) of this Regulation, the applicant need not serve on the Area Secretary any exhibit to or document supporting his affidavit of costs and resources; but the Area Secretary may inspect at the office of the master or registrar any such exhibit or document, and may bespeak a copy thereof.

(3) Where the applicant has complied with the requirements of paragraph (1) of this Regulation, the master or registrar shall fix a date and time when he proposes to conduct his inquiry, and he shall give the applicant and the Area Secretary not less than 21 days' notice thereof.

(4) In exercising his functions under this Regulation, the master or registrar shall have all the same powers as a taxing officer has in the exercise of his functions under the Supreme Court Costs Rules 1959(a).

(5) The applicant and the Area Secretary may appear before the master or registrar at his inquiry.

(6) On completing his inquiry, the master or registrar shall report to the court in writing, and shall at the same time send a copy of his report to the applicant and to the Area Secretary.

(7) When the court has received the report of the master or registrar, the applicant shall take an appointment before the court for the hearing and determination of the application in chambers, and shall give to the Area Secretary not less than 21 days' notice of the date and time of that appointment.

(8) The applicant and the Area Secretary may appear before the court at the adjourned hearing of the application.

Applications adjourned but not referred for inquiry and report

14.—(1) If the court adjourns the hearing of an application but does not refer it for inquiry and report, then:—

- (a) within 21 days of the adjournment the applicant shall file an affidavit

(a) S.I. 1959/1958 (Schedule 2) (1959 II, p. 2535).

of costs and resources together with original exhibits and any other documents necessary to support the affidavit ;

(b) not less than 21 days before the adjourned hearing, the applicant shall serve notice on the Area Secretary of the date and time of the adjourned hearing together with a copy of his affidavit of costs and resources.

(2) In complying with paragraph (1)(b) of this Regulation, the applicant need not serve on the Area Secretary any exhibit to or document supporting his affidavit of costs and resources ; but the Area Secretary may inspect at the appropriate office of the court any such exhibit or document, and may bespeak a copy of any such exhibit or document.

(3) The applicant and the Area Secretary may appear before the court at the adjourned hearing of the application.

APPELLATE PROCEEDINGS

Applications to appellate court

15.—(1) Where an applicant applies to an appellate court for an order under the Act for the payment of his costs incurred in proceedings at first instance, these Regulations shall apply as if the appellate court were the court of first instance where those proceedings took place.

(2) Where an applicant applies to an appellate court for an order under the Act for the payment of his costs incurred in any appeal and the court adjourns the hearing of the application, so as to enable the Law Society to be heard in connection with it, the applicant shall, not less than 21 days before the adjourned hearing, serve notice of the date and time thereof on the Area Secretary, together with a copy of any evidence with which he supports his application.

(3) The applicant and the Area Secretary may appear before the appellate court at the adjourned hearing.

OTHER COURTS

Application of Regulations to other courts

16. These Regulations shall apply with the necessary modifications to applications made to:—

(a) the Chancery Courts of the counties Palatine of Lancaster and Durham ;
and

(b) the Mayor's and City of London Court, the Liverpool Court of Passage, the Court of Record for the Hundred of Salford in the county of Lancaster, the Tolzey Court of Bristol and the Norwich Guildhall Court.

Dated 5th August 1964.

Dilhorne, C.

Regulation 1(3)

SCHEDULE

MATTERS TO BE INCLUDED IN AN AFFIDAVIT OF COSTS AND RESOURCES

1. An estimate of the applicant's costs as between party and party of the proceedings in respect of which his application is made, supported by:—

(a) particulars of the estimated costs in the form of a summary bill of costs ;
and

(b) all necessary documentary evidence to substantiate each item therein.

2. A statement, supported by evidence, of the applicant's financial resources of every kind during the period beginning three years before his application is made, and of his estimated future financial resources and expectations.

3. A declaration that to the best of his knowledge and belief the applicant has not, and at any relevant time has not had and will not have any financial resources or expectations not specified in the statement described in paragraph 2 above.

4. A declaration that the applicant has not at any time deliberately foregone or deprived himself of any financial resources or expectations with a view to furthering his application.

5. A statement supported by evidence of the applicant's reasonable financial commitments during the period covered by his statement described in paragraph 2 above, including, if desired, his estimated solicitor and own client costs of the proceedings in respect of which his application is made.

6. If the applicant has, or at any relevant time has had, a spouse, his statements and declarations described in paragraphs 2 to 5 above shall also take account of and (to the best of his knowledge and belief) specify that spouse's financial resources, expectations and commitments, unless she had a contrary interest to the applicant in the proceedings in respect of which his application is made, or the applicant and his spouse are or at the relevant time were living separate and apart, or for some other reason it would be either inequitable or impracticable for the applicant to comply with the requirement of this paragraph.

7. Full particulars of any application for legal aid made by the applicant in connection with the proceedings in respect of which his application is made, including the date and reference number of any such application and the committee to which it was made.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations regulate the procedure to be followed when a successful unassisted opponent of a party receiving legal aid applies under the Legal Aid Act 1964 for the payment of his costs out of the legal aid fund.

The Regulations also define "separate proceedings" for the purposes of the Act and provide for cases where the unassisted person was concerned in the proceedings in a fiduciary, representative or official capacity.

1964 No. 1277

WAGES COUNCILS**The Wages Regulation (Retail Bookselling and Stationery) Order 1964***Made - - - - 6th August 1964**Coming into Operation 7th September 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Bookselling and Stationery Trades Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959^(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Retail Bookselling and Stationery) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 7th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Bookselling and Stationery) Order 1962^(c) and the Wages Regulation (Retail Bookselling and Stationery) (Amendment) Order 1963^(d), shall cease to have effect.

Signed by order of the Minister of Labour 6th August 1964.

L. J. Dunnett,
Secretary,
Ministry of Labour.

^(a) 7 & 8 Eliz. 2. c. 69.

^(c) S.I. 1962/2629 (1962 III, p. 3542).

^(b) 52 & 53 Vict. c. 63.

^(d) S.I. 1963/1656 (1963 III, p. 3166).

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Bookselling and Stationery) Order 1962(a) (hereinafter referred to as "Order R.B.C. (28)") as amended by the Wages Regulation (Retail Bookselling and Stationery) (Amendment) Order 1963(b) (Order R.B.C. (30)).

(a) S.I. 1962/2629 (1962 III, p. 3542).

(b) S.I. 1963/1656 (1963 III, p. 3166).

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 4, 5, 7 and 8, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2 and 3.

Any increase in remuneration payable under the provisions of paragraph 2 or 3 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

WORKERS OTHER THAN TRANSPORT WORKERS

2. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following Table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2											
	LONDON AREA		PROVINCIAL A AREA		PROVINCIAL B AREA							
	Per week		Per week		Per week							
	Male	Female	Male	Female	Male	Female						
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.						
(1) Shop managers, shop manageresses ...	234	0	200	0	228	0	194	0	218	0	185	6
(2) All other workers other than transport workers, cleaners, messengers, deliverers or porters—												
Aged 22 years or over ...	202	0	154	0	194	6	147	6	182	0	138	0
" 21 and under 22 years ...	183	6	136	6	174	6	130	0	162	6	120	6
" 20 " " 21 " ...	151	0	117	6	143	0	111	0	132	0	102	6
" 19 " " 20 " ...	139	0	110	6	131	6	104	0	120	6	95	6
" 18 " " 19 " ...	125	6	103	6	119	0	96	0	109	6	88	6
" 17 " " 18 " ...	102	6	89	6	96	0	81	0	87	6	74	6
" 16 " " 17 " ...	95	0	81	6	88	0	74	0	80	0	67	0
" under 16 years ...	89	6	76	6	82	6	69	0	74	6	62	6
(3) Cleaners, messengers, deliverers or porters—												
Aged 22 years or over ...	192	0	144	0	184	6	137	6	172	0	128	0
" 21 and under 22 years ...	173	6	124	6	166	6	118	0	155	0	109	6
" 20 " " 21 " ...	143	0	107	6	136	0	100	0	125	6	92	6
" 19 " " 20 " ...	132	6	102	6	125	6	95	0	115	0	86	6
" 18 " " 19 " ...	120	0	97	6	114	0	89	0	105	0	82	6
" 17 " " 18 " ...	98	0	85	6	92	0	77	6	84	0	71	6
" 16 " " 17 " ...	91	0	78	0	84	6	71	0	77	0	64	6
" under 16 years ...	86	0	73	6	79	6	66	6	72	0	60	6

TRANSPORT WORKERS

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to transport workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following Table:—

Column 1 Age of transport worker	Column 2		Column 3		
	Type of Vehicle		LONDON AREA	PROVINCIAL	
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle		A AREA	B AREA
			Per week	Per week	Per week
21 years or over ...	} 1 ton or less ...	} One-horse	s. d.	s. d.	s. d.
20 and under 21 years			196 0	188 6	176 0
19 " " 20 "			154 0	150 0	140 6
18 " " 19 "			145 0	141 0	131 6
under 18 years ...			134 0	131 0	122 0
			113 0	110 0	102 0
All ages	Over 1 ton and up to 2 tons ...	Two-horse	200 0	192 6	180 0
	Over 2 tons and up to 5 tons ...	—	204 0	196 6	184 0
	Over 5 tons ...	—	208 0	200 6	188 0

LATE ENTRANTS

4. The minimum remuneration payable during the first six months' employment of a worker to whom this Schedule applies (other than a shop manager, shop manageress, transport worker, cleaner, messenger, deliverer or porter) who enters or has entered the retail bookselling and stationery trades for the first time at or over the age of 20 years shall be the appropriate remuneration specified in Column 2 of the Table in paragraph 2 reduced—

- (1) during the first three months of employment, by 10s. 0d. per week ; and
- (2) during the second three months of employment, by 5s. 0d. per week.

MINIMUM OVERTIME RATES

- 5.—(1) Subject to the provisions of this paragraph, overtime shall be payable to all workers at the following minimum rates:—

- (a) On a Sunday or customary holiday
 - (i) where time worked does not exceed 4½ hours double time for 4½ hours
 - (ii) where time worked exceeds 4½ hours but does not exceed 8 hours double time for 8 hours
 - (iii) where time worked exceeds 8 hours double time for all time worked

Provided that where it is or becomes the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday, the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

(b) On the weekly short day (not being a weekly short day to which (c) of this paragraph applies)

for all time worked after 1.30 p.m. ... time-and-a-half

(c) On the weekly short day in any week during which, under subsection (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow the worker a weekly half day

for all time worked after 1.30 p.m. ... double time

(d) In any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this paragraph, for all time worked in excess of 44 hours ... time-and-a-half :

Provided that in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours", and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

(2) Overtime rates in accordance with this paragraph shall be payable to a shop manager or a shop manageress only if the overtime worked is specifically authorised in writing by the employer or his representative.

WAITING TIME

6. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—

(1) without the employer's consent, express or implied ;

(2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform ;

(3) by reason only of the fact that he is resident thereon ; or

(4) during normal meal times, and he is not waiting for work to be given to him to perform.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

7.—(1) (a) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration but excluding the amount specified in (b) of this sub-paragraph) payable under those other provisions to a full-time worker is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount excluded as aforesaid.

(b) The amount to be excluded from the total remuneration referred to in (a) of this sub-paragraph is the whole of the remuneration payable in respect of overtime (as specified in paragraph 5).

(2) The guaranteed weekly remuneration is the remuneration to which the worker would be entitled under paragraph 2, 3 or 4 for 44 hours' work in his normal occupation :

Provided that—

- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week and the worker has informed the employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 8) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies ;
- (b) where in any week a worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a holiday allowed to all persons in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (b) to sub-paragraph (2) of this paragraph) is—
- (a) capable of and available for work ; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 8.—(1) Subject to the provisions of paragraph 7, the minimum remuneration specified in this Part of this Schedule relates to a week of 44 hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 6, be excluded.

PART II

HOLIDAYS AND HOLIDAY REMUNERATION

CUSTOMARY HOLIDAYS

9.—(1) An employer shall allow to every worker to whom this Schedule applies a holiday (in this Schedule referred to as a “customary holiday”) in each year on each of the days specified in the next following sub-paragraph, provided that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) has worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.

(2) The said customary holidays are:—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday, and any day proclaimed as a public holiday throughout England and Wales;

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

the local Spring holiday;

the local Autumn holiday;

Christmas Day (or, if Christmas Day falls on a Sunday, the following Monday);

two other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker not less than three weeks before the holiday, and any day proclaimed as a public holiday throughout Scotland;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any such holiday on which he so works, the worker shall be allowed a day's holiday (hereinafter referred to as a “holiday in lieu of a customary holiday”) on a week day on which he would normally work within the period of 28 days immediately following the customary holiday.

(4) A worker who is required to work on a customary holiday shall be paid:—

(a) for all time worked thereon, in accordance with paragraph 5; and

(b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 13.

ANNUAL HOLIDAY

10.—(1) In addition to the holidays specified in paragraph 9 and subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964,

and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding 1st April in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 17) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday	
	Where the worker's normal working week is six days	Where the worker's normal working week is five days or less
12 months	12 days	10 days
Not less than 11 months but less than 12 months	11 "	9 "
" " " 10 " " " " " 11 " " " " "	10 "	8 "
" " " 9 " " " " " 10 " " " " "	9 "	7 "
" " " 8 " " " " " 9 " " " " "	8 "	6 "
" " " 7 " " " " " 8 " " " " "	7 "	5 "
" " " 6 " " " " " 7 " " " " "	6 "	5 "
" " " 5 " " " " " 6 " " " " "	5 "	4 "
" " " 4 " " " " " 5 " " " " "	4 "	3 "
" " " 3 " " " " " 4 " " " " "	3 "	2 "
" " " 2 " " " " " 3 " " " " "	2 "	1 day
" " " 1 month " " " " 2 " " " " "	1 day	1 "

(2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

(b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year, and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;

(c) where a worker has, on 1st August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week ;

(d) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.B.C. (28) between 1st April 1964 and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression "holiday season" means, in relation to an annual holiday during the year 1964, the period commencing on 1st April and ending on 31st October 1964, and, in relation to each subsequent year, the period commencing on 1st April and ending on 31st October in that year.

11.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.

- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a holiday allowed to a worker under paragraph 9 or a day on which he does not normally work for the employer intervenes.
- (4) Where a day of holiday allowed to a worker under paragraph 9 immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case that day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(b) of paragraph 10.
- (5) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker is less than the number of days in his normal working week, the annual holiday allowed under this Schedule shall be in addition to the said day of holiday or the said half-holiday.

12. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR CUSTOMARY HOLIDAYS

- 13.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under paragraph 9 he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled if the day had not been a day of holiday and he had been employed on work for which statutory minimum remuneration is payable for the time usually worked by him on that day of the week:

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of, or accident to, the worker) presents himself for employment at the usual starting hour on the first working day following the holiday.

- (2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the day on which the wages for the first working day following the holiday are paid.
- (3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the day on which the wages are paid for the first working day following the holiday in lieu: Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the condition specified in sub-paragraph (1) of this paragraph shall not apply.

REMUNERATION FOR ANNUAL HOLIDAY

- 14.—(1) Subject to the provisions of paragraph 15, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
15. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 16 of this Schedule, or with Order R.B.C. (28)) in respect of employment during a period referred to in paragraph 16, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.B.C. (28).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

16. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter called "the termination date"), pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment occurring in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—
- (i) has at his written request been allowed any day or days of holiday for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday; or
- (ii) has been allowed an annual holiday under (c) of sub-paragraph (2) of paragraph 10 of this Schedule or Order R.B.C. (28), any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of sub-paragraph (1) of the said paragraph 10 or Order R.B.C. (28);
- (c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given such notice or before one week has expired from the beginning of such notice, the amount of

accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount—

- (i) in the case of a worker who leaves without giving notice, equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him ;
- (ii) in the case of a worker who leaves without working the full period of his week's notice, equal to one day's holiday pay for each day during the said period on which he failed to work.

CALCULATION OF EMPLOYMENT

17. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

18. For the purposes of this Schedule—

“**CARRYING CAPACITY**” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

“**CLEANER**”, “**MESSENGER**”, “**DELIVERER**” or “**PORTER**” means a worker (not being a worker wholly or mainly engaged in the purchase and collection of books from wholesalers or publishers and not being a transport worker) who is wholly or mainly employed on one or more of the following duties :—

Cleaning premises, furniture or fittings ; taking messages ; collecting or delivering post ; portering goods or supplies ; collecting or delivering goods or supplies ; attending to fires or boilers ; care-taking ; lift attending.

“**FULL-TIME WORKER**” means a worker who normally works for the employer for at least 36 hours in the week on work to which this Schedule applies.

“**LONDON AREA**”, “**PROVINCIAL A AREA**”, “**PROVINCIAL B AREA**” have the meanings respectively assigned to them in paragraph 19.

“**MONTH**” means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

“**NORMAL WORKING WEEK**” means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 16 on the termination of the employment, during the 12 months immediately preceding the termination date :

Provided that—

- (1) part of a day shall count as a day ;
- (2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the annual holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week’s work, if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition “appropriate proportion” means :—

where the worker’s normal working week is six days ...	one-sixth
“ ” “ ” “ ” “ ” “ five „ ...	one-fifth
“ ” “ ” “ ” “ ” “ four „ ...	one-quarter
“ ” “ ” “ ” “ ” “ three „ ...	one-third
“ ” “ ” “ ” “ ” “ two „ ...	one-half
“ ” “ ” “ ” “ ” “ one day ...	the whole.

“SHOP MANAGER”, “SHOP MANAGERESS” means a worker who is in charge of an undertaking or branch of an undertaking (but not of a department of an undertaking or branch) and who is responsible to the employer for the custody of cash and stock, for the control of staff and for the conduct of the business of the undertaking or branch.

“TIME-AND-A-HALF” and “DOUBLE TIME” mean, respectively, one and a half times and twice the hourly rate obtained by dividing by 44 the minimum weekly remuneration to which the worker is entitled under the provisions of paragraph 2, 3 or 4.

“TRANSPORT WORKER” means a male worker (other than a van salesman) engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

“WATCHMAN” means a worker wholly or mainly engaged in guarding the employer’s premises for the prevention of theft, fire, damage or trespass.

“WEEK” means pay week.

“WEEKLY SHORT DAY” means:—

- (1) that day in any week on which the worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half past one o’clock in the afternoon, or,
- (2) where there is no such day, or where the day falls on a customary holiday, a working day in the week not being a customary holiday, fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect ; or, failing such notification, the last working day in the week which is not a customary holiday :

Provided that where the day specified in (1) of this definition falls on Christmas Day or Boxing Day in England and Wales or Christmas Day or New Year’s Day in Scotland the employer may fix as the weekly short day for that week a working day in the following week not being either a customary holiday or the weekly short day for that following week.

AREAS

19. In this Schedule :—

(1) "LONDON AREA" means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.

(2) "PROVINCIAL A AREA" means

(a) in Scotland,

(i) the following burghs :—

ABERDEEN COUNTY Aberdeen (including part in County) Fraserburgh Peterhead	DUNBARTON COUNTY Clydebank Dumbarton Helensburgh Kirkintilloch Milngavie	ORKNEY COUNTY Kirkwall
ANGUS COUNTY Arbroath Brechin Dundee Forfar Montrose	EAST LoTHIAN COUNTY North Berwick	PERTH COUNTY Perth
ARGYLL COUNTY Dunoon	FIFE COUNTY Buckhaven and Methill Burntisland Cowdenbeath Dunfermline Kirkcaldy Leven Lochgelly St. Andrews	RENFREW COUNTY Barrhead Gourock Greenock Johnstone Paisley Port Glasgow Renfrew
Ayr COUNTY Ardrossan Ayr Irvine Kilmarnock Largs Prestwick Saltcoats Troon	INVERNESS COUNTY Inverness	ROSS AND CROMARTY COUNTY Stornoway
BANFF COUNTY Buckie	KINCARDINE COUNTY Stonehaven	ROXBURGH COUNTY Hawick
BUTE COUNTY Rothesay	LANARK COUNTY Airdrie Coatbridge Glasgow Hamilton Lanark Motherwell and Wishaw Rutherglen	SELKIRK COUNTY Galashiels
CLACKMANNAN COUNTY Alloa	MIDLoTHIAN COUNTY Dalkeith Edinburgh Musselburgh	STIRLING COUNTY Denny and Dunipace Falkirk Grangemouth Kilsyth Stirling
DUMFRIES COUNTY Dumfries	MORAY COUNTY Elgin	WEST LoTHIAN COUNTY Armadale Bathgate Bo'ness
		WIGTOWN COUNTY Stranraer
		ZETLAND COUNTY Lerwick

(ii) the following Special Lighting Districts, the boundaries of which have been defined, namely :—Vale of Leven and Renton in the County of Dunbarton ; and Larbert in the County of Stirling ; and

(iii) the following areas the boundaries of which were defined as Special Lighting Districts prior to 10th March 1943, namely :—Bellshill and Mossend, Blantyre, Cambuslang, Larkhall and Holytown, New Stevenston and Carfin, all in the County of Lanark.

(b) In England and Wales, the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (3) (b) of this paragraph.

(3) "PROVINCIAL B AREA" means

(a) In Scotland, all areas other than those listed in (2) (a) of this paragraph;

(b) In England and Wales, all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE	DEVONSHIRE—contd.	KENT
Amphill	Ottery St. Mary	Lydd
Sandy	Salcombe	New Romney
BERKSHIRE	Seaton	Queenborough
Wallingford	South Molton	Sandwich
Wantage	Tavistock	Tenterden
	Totnes	
BUCKINGHAMSHIRE	DORSETSHIRE	LANCASHIRE
Buckingham	Blandford Forum	Carnforth
Linslade	Lyme Regis	Grange
Marlow	Shaftesbury	
Newport Pagnell	Sherborne	LINCOLNSHIRE (Parts
	Wareham	of Kesteven)
CHESHIRE	Wimborne Minster	Bourne
Alsager		
Longendale	DURHAM	LINCOLNSHIRE (Parts
	Barnard Castle	of Lindsey)
CORNWALL	Tow Law	Alford
Bodmin		Barton-upon-Humber
Bude Stratton	ELY, ISLE OF	Brigg
Fowey	Chatteris	Horncastle
Helston		Mablethorpe and Sutton
Launceston	ESSEX	Market Rasen
Liskeard	Brightlingsea	Woodhall Spa
Looe	Burnham-on-Crouch	
Lostwithiel	Saffron Walden	NORFOLK
Padstow	West Mersea	Cromer
Penryn	Wivenhoe	Diss
St. Just		Downham Market
Torpoint	GLOUCESTERSHIRE	New Hunstanton
	Nailsworth	North Walsham
DERBYSHIRE	Tewkesbury	Sheringham
Bakewell		Swaffham
Whaley Bridge	HEREFORDSHIRE	Thetford
Wirksworth	Bromyard	Wells
	Kington	Wymondham
DEVONSHIRE	Ledbury	
Ashburton	HERTFORDSHIRE	NORTHAMPTONSHIRE
Axminster	Baldock	Brackley
Buckfastleigh	Chorleywood	Burton Latimer
Budleigh Salterton	Royston	Higham Ferrers
CREDITON	Sawbridgeworth	Oundle
Dartmouth	Stevenage	
Great Torrington		NORTHUMBERLAND
HOLSWORTHY	HUNTINGDONSHIRE	Alnwick
Honiton	Godmanchester	Amble
Kingsbridge	Huntingdon	
Lynton	Ramsey	OXFORDSHIRE
Northam	St. Ives	Bicester
Okehampton	St. Neots	Chipping Norton
		Thame
		Woodstock

ENGLAND (excluding Monmouthshire)—contd.

RUTLANDSHIRE Oakham	SUFFOLK Aldeburgh Beccles Bungay Eye Hadleigh Halesworth Haverhill Leiston-cum-Sizewell Saxmundham Southwold Sudbury Stowmarket Woodbridge	WILTSHIRE Bradford-on-Avon Calne Malmesbury Marlborough Melksham Westbury Wilton
SHROPSHIRE Bishop's Castle Church Stretton Ellesmere Market Drayton Newport Wem		WORCESTERSHIRE Bewdley Droitwich
SOMERSETSHIRE Chard Crewkerne Glastonbury Ilminster Portishead Shepton Mallet Street Watchet Wellington	SUSSEX Arundel Burgess Hill Rye	YORKSHIRE Hedon Hornsea Malton Norton Pickering Richmond Tickhill Withernsea
	WESTMORLAND Appleby The Lakes	

WALES AND MONMOUTHSHIRE

ANGLESEY Amlwch Beaumaris Llangefni Menai Bridge	CARMARTHENSHIRE Cwmamman Kidwelly Llandilo Llandovery Newcastle Emlyn	MONMOUTHSHIRE Caerleon Chepstow Usk
BRECKNOCKSHIRE Builth Wells Hay Llanwrtyd	DENBIGHSHIRE Llangollen Llanrwst Ruthin	MONTGOMERYSHIRE Llanfyllin Llanidloes Machynlleth Montgomery Newtown and Llanllwchaiarn Welshpool
CAERNARVONSHIRE Bethesda Bettws-y-Coed Criccieth Llanfairfechan Penmaenmawr Portmadoc Pwllheli	FLINTSHIRE Buckley Mold	PEMBROKESHIRE Fishguard and Goodwick Narberth Neyland Tenby
CARDIGANSHIRE Aberayron Cardigan Lampeter New Quay	GLAMORGANSHIRE Cowbridge	RADNORSHIRE Knighton Llandrindod Wells Presteign
	MERIONETHSHIRE Bala Barmouth Dolgelley Towyn	

(4) Any reference to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

20.—(1) (i) Subject to the provisions of sub-paragraph (2) of this paragraph the workers to whom this Schedule applies are all workers employed in Great Britain in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—

(a) wholly or mainly in the retail bookselling and stationery trades ; or

(b) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix hereto and to a greater extent in the retail bookselling and stationery trades than in any one of those groups:

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(ii) For the purpose of this sub-paragraph:—

(a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades;

(b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(2) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

(i) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council;

(ii) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Wages Council;

(iii) workers employed on post office business;

(iv) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);

(v) workers employed on book-binding, printing, die-sinking or engraving;

(vi) workers employed as watchmen;

(vii) workers wholly or mainly engaged in delivering newspapers, magazines or other periodicals and employed for not more than two hours per day and for not more than twelve hours per week.

(3) For the purpose of this Schedule the retail bookselling and stationery trades consist of:—

(i) the sale by retail of the following articles:—

(a) books (excluding printed music and periodicals);

(b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;

(c) pens, pencils, ink, blotting paper and similar articles;

(d) maps and charts;

(e) wrapping and adhesive paper, string, paste and similar articles;

(ii) operations in or about the shop or other place where any of the articles specified in (i) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;

(iii) operations in connection with the warehousing or storing of any of the articles specified in (i) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;

- (iv) operations in connection with the transport of any of the articles specified in (i) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (iii) above ; and
- (v) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (i) above and relating to such sale or to any of the operations specified in (ii) to (iv) above.

APPENDIX TO PARAGRAPH 20

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1. The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

- (i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail ;
- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above ; and
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above ;

but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition " sale by retail " includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2. The Retail Furnishing and Allied Trades, that is to say:—

- (1) the sale by retail of the following articles:—
 - (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures ;
 - (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements ;
 - (c) hand tools ;
 - (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods being articles or goods of kinds commonly used for household purposes or as household ornaments ;
 - (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof ;
 - (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof ;
 - (g) radio and television sets and their accessories and component parts ;

- (h) pedal cycles and their accessories and component parts ;
- (i) perambulators, push chairs and invalid carriages ;
- (j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing ;
- (k) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods ;
- (l) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils) ;
- (m) brushes, mops and brooms, used for household purposes, and similar articles ;
- (n) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes ;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 3. The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

(1) the sale by retail of the following articles:—

- (a) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery) ;
- (b) haberdashery ;
- (c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor coverings) ;
- (d) knitting, rug, embroidery, crochet and similar wools or yarns ;
- (e) made-up household textiles (but excluding mattresses and floor coverings) ;
- (f) umbrellas, sunshades, walking sticks, canes and similar articles ;
- (g) ladies' handbags ;

(2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 4. The Retail Newsagency, Tobacco and Confectionery Trades, that is to say:—

(1) the sale by retail of the following articles:—

(a) newspapers, magazines and other periodicals ;

(b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;

(c) articles of sugar confectionery and chocolate confectionery, and ice-cream ;

(2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;

(3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

(4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 7th September 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration and the holidays set out in the Wages Regulation (Retail Bookselling and Stationery) Order 1962 (Order R.B.C. (28)) as amended by the Wages Regulation (Retail Bookselling and Stationery) (Amendment) Order 1963 (Order R.B.C. (30)), which Orders are revoked.

New provisions are printed in italics.

 STATUTORY INSTRUMENTS

1964 No. 1281

CINEMATOGRAPHS AND CINEMATOGRAPH FILMS

REGISTRATION OF FILMS

**The Films (Registration of Newsreels) (Amendment)
Regulations 1964**

Made - - - - - 6th August 1964
Coming into Operation 1st October 1964

The Board of Trade in pursuance of the powers conferred upon them by section 44 of the Films Act 1960(a), as amended by the Films Act 1964(b), hereby make the following Regulations:—

1. The Films (Registration of Newsreels) Regulations 1961(c) shall have effect as if—

(1) in Regulation 10 for the words “for the purposes of these Regulations” there were substituted the words “by section 39 of the Films Act 1960 and by these Regulations”;

(2) for the Schedule thereto there were substituted the Schedule to these Regulations.

2. The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. These Regulations may be cited as the Films (Registration of Newsreels) (Amendment) Regulations 1964 and shall come into operation on 1st October 1964.

6th August 1964.

M. M. Ord Johnstone,
An Under Secretary of the
Board of Trade.

SCHEDULE

NEWSREEL REGISTRATION FORM AC

APPLICATION FOR THE REGISTRATION OF A NEWSREEL

This Form must be completed by the person who is the maker (i.e., the person by whom the arrangements necessary for the editing of the newsreel are undertaken) or renter of the newsreel and the particulars given in it must be verified by a statutory declaration. When completed the form and statutory declaration should be sent to the Assistant Secretary, Films Branch, Board of Trade, London, S.W.1, accompanied by a remittance for the appropriate fee, not more than 5 days after the newsreel is first delivered to an exhibitor in Great Britain for public exhibition.

(a) 8 & 9 Eliz. 2. c. 57.

(c) S.I. 1961/1825 (1961 III, p. 3442).

(b) 1964 c. 52.

(d) 52 & 53 Vict. c. 63.

1. I./We, the undersigned, apply for the registration as a British film and as an exhibitor's quota film under Part II of the Films Act, 1960, of the newsreel entitled

2. The newsreel consists wholly or mainly of photographs which, at the time when they were taken, were means of communicating news.

3. The newsreel is one of a sequence of which not less than one a week is made and delivered to exhibitors in Great Britain for public exhibition.

4. Not less than three-quarters of the total of the photographs comprised in the newsreels of that sequence registered during the quarterly period in which this application is made will have been taken as follows, that is to say—

- (i) at least one-half of that total in the United Kingdom or in any other Commonwealth country or the Republic of Ireland,
- (ii) the remainder (if any) by a person who was a British subject or a citizen of the Republic of Ireland and was employed by the maker of the newsreels as a regular member of his staff in the United Kingdom.

5. (1) Name(s) and nationality of the maker(s) of the newsreel (*in the case of a partnership state the name of the partnership as well as the name and nationality of each partner; in the case of a company state the name of the company*):

<i>Name(s)</i>	<i>Nationality during the time the newsreel was being made</i>
.....
.....
.....
.....

(2) Address of maker's principal place of business and, in the case of a company, also its registered office during the time the newsreel was being made:

.....

.....

(3) If the maker is a company, state below the country under the laws of which the company was incorporated and the names and nationalities of the persons who were its directors during any part of the time the newsreel was being made:

Country

<i>Names of Directors</i>	<i>Nationality during the time the newsreel was being made</i>
.....
.....
.....
.....
.....
.....
.....

6. Name(s) and nationality of the person(s) who edited the newsreel:

Name(s)

Nationality at the time

.....
.....
.....

7. Name(s) and nationality of the person(s) who spoke the commentary:

Name(s)

Nationality at the time

.....
.....

8. Address(es) at which the newsreel was edited:

.....

.....

9. Address(es) at which the commentary was:

(a) written

.....

(b) recorded

.....

10. Name of the renter distributing the newsreel in Great Britain

.....

11. The total playing time of the newsreel to be offered for projection at public exhibition is minutes.

12. The total playing time of those parts of the newsreel photographed in the United Kingdom or any other Commonwealth country or the Republic of Ireland is minutes.

13. The total playing time of those parts of the newsreel photographed outside the aforementioned countries by a person who was a British subject or a citizen of the Republic of Ireland and was employed by the maker of the newsreel as a regular member of his staff in the United Kingdom is minutes.

14. Name(s) and nationality of the person(s) who took the photographs referred to in paragraph 13 :

Name(s)

Nationality at the time

.....
.....
.....

Date when engaged by the maker as a regular member of his staff in the United Kingdom

If such employment has ended, the date of its termination

.....
.....
.....

15. The newsreel

(a) was first delivered on to an exhibitor in Great Britain for public exhibition.

(b) has not yet been delivered to an exhibitor in Great Britain for public exhibition.

(Delete (b) and complete (a) or delete (a) as appropriate)

Signature of Applicant(s)

Name of Applicant(s)

Address to which communications should be sent

.....

Date

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Films (Registration of Newsreels) Regulations 1961.

The principal change is the introduction of an amended form of application for registration of a newsreel. The requirements relating to the registration of newsreels were amended by the Films Act 1964 and the form of application has been amended to take account of the new requirements.

1964 No. 1282

DEFENCE

ROYAL AIR FORCE

**The Rules of Procedure (Air Force) (Amendment)
Rules 1964**

<i>Made</i>	5th August 1964
<i>Laid before Parliament</i>	13th August 1964
<i>Coming into Operation</i>	14th August 1964

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Air Force Act 1955(a) and of all other powers enabling him in that behalf makes the following Rules:—

Citation and Commencement

1.—(1) These Rules may be cited as the Rules of Procedure (Air Force) (Amendment) Rules 1964 and these Rules and the Rules of Procedure (Air Force) 1956(b) (hereinafter referred to as “the Principal Rules”) and other Rules(c) amending the Principal Rules shall be construed as one and may be cited together as the “Rules of Procedure (Air Force) 1956”.

(2) These Rules shall come into operation on the 14th August 1964.

Interpretation

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) A Rule or Schedule referred to by number in these Rules means the Rule or Schedule so numbered in the Principal Rules.

Amendments to the Principal Rules

3.—(1) The Principal Rules shall be amended in accordance with the provisions of the following paragraphs of these Rules.

(2) In Rule 2(1) there shall be added in their proper sequence the following definitions:—

“ ‘Child’ means a person under the age of 14 years ;

‘Sexual offence’ means in relation to an offence against section 70 of the Act(a) any offence under the Sexual Offences Act 1956(e) or the Indecency with Children Act 1960(f) or any attempt to commit such an offence and shall include any offence of an indecent or unnatural kind under section 66 of the Act or any attempt to commit such an offence under section 68 of the Act or an offence of an indecent kind under section 69 of the Act ;

‘Young person’ means a person who has attained the age of 14 years and is under the age of 17 years ;”.

(a) 3 & 4 Eliz. 2. c. 19.

(c) S.I. 1961/2152 (1961 III, p. 3884).

(e) 4 & 5 Eliz. 2. c. 69.

(b) S.I. 1956/163 (1956 II, p. 2020).

(d) 52 & 53 Vict. c. 63.

(f) 8 & 9 Eliz. 2. c. 33.

(3) In Rule 9 the following paragraph shall be added and shall stand as paragraph (bb):—

“ A child shall not be called as a prosecution witness in any case where the charge being investigated is for a sexual offence and any statement made in writing by or taken in writing from the child which would be admissible if given orally may be read to the accused and included in the summary of evidence :

Provided that this paragraph shall have no application where the child can be compelled to attend and the accused objects to the application of this paragraph or the officer taking the summary of evidence requires the attendance of the child for the purpose of establishing the identity of any person or is satisfied it has not been possible to obtain from the child a statement that may be given in evidence under this paragraph ; ”.

(4) In Rule 22 :—

(a) At the commencement of paragraph (1) there shall be added the words :

“ Subject to paragraphs (2) and (3) of this Rule ”.

(b) After paragraph (2) there shall be inserted the following paragraph as paragraph (3):

“ (3) When an officer convenes a court-martial consequent on an order authorising a re-trial made under the Criminal Appeal Act 1964(a) by the Courts-Martial Appeal Court or the Defence Council :

(a) Sub-paragraph (b) of paragraph (1) of this Rule shall not apply but the convening officer shall direct that a charge-sheet shall be prepared in accordance with the provisions of paragraph 2 of Schedule I to the said Act and with any directions which may have been given by the Courts-Martial Appeal Court or the Defence Council under paragraph 4 of the said Schedule and that the accused shall be tried on the charge in that charge-sheet.

(b) When it is proposed to tender any evidence given by any witness at the original trial as evidence at the re-trial in accordance with the provisions of paragraph 8 of the said Schedule the convening officer shall send to the accused as soon as practicable and in any case not less than 24 hours before his trial and also to the President, the Judge Advocate (if any) and the Prosecutor a copy of any such evidence.”

(5) In Rule 34 :

(a) paragraphs (3) and (4) shall be renumbered as paragraphs (4) and (5) and

(b) the following paragraph shall be added and shall stand as paragraph (3) :

“ (3) Where a person is a child or young person the oath shall be in the appropriate form set out in the Sixth Schedule to these Rules.”

(6) In Rule 62 :

(a) In paragraph (2) the words from “ unless the accused has called a witness to fact ” to the end of the paragraph shall be omitted.

(b) There shall be substituted for paragraph (3):

“ (3) Where two or more accused are represented by the same defending officer or counsel he may make one closing address only”.

(c) Paragraph (4) shall be omitted.

(7) In Rule 63 for the words “ Rules 59 and 62 ” there shall be substituted the words “ Rule 59 ”.

(8) In sub-paragraph (c) of paragraph (3) of Rule 71 after the words “ civil court ” there shall be inserted the words “ , not being offences of which he was found guilty while under the age of 14 years, ”.

(9) In Part (2) of the First Schedule (Summary of Evidence) after the words “ (Signature of officer taking the summary of evidence) ” there shall be inserted the words:

“ or

..... (description)

A written statement of this witness’s evidence has been read to the accused and is included in this summary at page (The accused does not object to the application of Rule of Procedure 9(bb)). (The accused objects to the application of Rule of Procedure 9(bb) but the witness is not compellable and has refused to attend).

.....
 (Signature of officer taking the summary of evidence).”

(10) (a) In Part (1) of the Sixth Schedule (Oaths at Investigations by Commanding Officers and Appropriate Superior Authorities) there shall be added a new item after the item “ Witness ”:

“ Child or Young Person

I promise before Almighty God that the evidence which I shall give at this investigation shall be the truth, the whole truth, and nothing but the truth.”

(b) In Part (2) of the Sixth Schedule (Oaths at Courts-Martial) there shall be added a new item after the item “ Witness ”:

“ Child or Young Person

I promise before Almighty God that the evidence which I shall give before this court-martial shall be the truth, the whole truth, and nothing but the truth.”

Peter Thorneycroft,
One of Her Majesty’s Principal
Secretaries of State.

Dated 5th August 1964.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These amendments to the Rules of Procedure (Air Force) embody the changes recently introduced in civil law by the Children and Young Persons Act 1963, the Criminal Appeal Act 1964, and the Criminal Procedure (Right of Reply) Act 1964.

1964 No. 1283

AFRICA

**The Zambia (Election of First President)
Order 1964**

<i>Made - - - -</i>	10th August 1964
<i>Laid before Parliament</i>	14th August 1964
<i>Coming into Operation</i>	15th August 1964

At the Court at Buckingham Palace, the 10th day of August 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Zambia Independence Act 1964(a) provision is made that the territories comprised in Northern Rhodesia shall cease to be a protectorate on 24th October 1964 and that the said territories shall become an independent republic under the name of Zambia on that day :

And whereas it is expedient to make provision for the election before 24th October 1964 of the person who will assume the office of President of the Republic of Zambia on 24th October 1964 (which person is hereinafter in this Order referred to as the President-designate):

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act 1890(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Zambia (Election of First President) Order 1964.

(2) This Order shall come into operation on 15th August 1964.

(3) The provisions of section 116 of the Constitution set out in the Schedule to the Northern Rhodesia (Constitution) Order in Council 1963(c) shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Constitution.

2. The Governor of Northern Rhodesia, acting in his discretion, may by regulation make provision for the election of the President-designate.

Citation,
commence-
ment and
interpreta-
tion.

Governor
may make
regulations.

E. N. Landale.

(a) 1964 c. 65. (b) 53 & 54 Vict. c. 37. (c) S.I. 1963/2088 (1963 III, p. 4532).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables provision to be made for the election, before 24th October 1964, of the person who will assume the office of President when Northern Rhodesia becomes the independent Republic of Zambia on 24th October 1964.

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1964 No. 1288

WATER RESOURCES, ENGLAND AND WALES

The River Board Members Order 1964

Made - - - - 7th August 1964

Whereas an Order entitled The River Authorities (Second Appointed Day) Order 1964(a) has been made under section 3(4) of the Water Resources Act 1963(b) appointing the 1st April 1965 as the second appointed day for the purposes of paragraph (b) of the said section 3(4):

Now therefore the Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the powers conferred on them by section 99(2) of the Water Resources Act 1963 and of all other powers enabling them in that behalf, hereby order as follows:—

1. This Order may be cited as The River Board Members Order 1964.

2. The terms of office of the members of any river board whose members would, apart from the provisions of this Order, cease to hold office at the expiration of the 31st October 1964 are hereby extended until the 1st April 1965 (being the second appointed day specified in the hereinbefore recited Order).

In witness whereof the official seal of the Minister of Housing and Local Government is hereunto affixed on 7th August 1964.

(L.S.)

J. H. Waddell,
Authorised by the
Minister of Housing and Local Government.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th August 1964.

(L.S.)

P. Humphreys-Davies,
Authorised by the
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By virtue of the River Boards Act 1948 the terms of office of members of certain river boards are such that they would cease to hold office at the end of the 31st October 1964 and new members would have to be appointed to hold office for the next three years, in accordance with that Act. The joint effect of the Water Resources Act 1963 and The River Authorities (Second Appointed Day) Order 1964 is that the existing functions of all river boards will be transferred to river authorities on the 1st April 1965, and this Order, made under section 99(2) of the last-mentioned Act, obviates the necessity for any such appointment of new members by extending the terms of office of the existing members until that date.

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 STATUTORY INSTRUMENTS

1964 No. 1289

FOOD AND DRUGS

COMPOSITION

The Mineral Hydrocarbons in Food Regulations 1964

<i>Made - - - -</i>	30th July 1964
<i>Laid before Parliament</i>	14th August 1964
<i>Coming into Operation</i>	15th August 1964

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 123 and 136(2) of, and paragraph 2(2) of Schedule 12 to the Food and Drugs Act 1955^(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Citation and commencement

1. These regulations may be cited as the Mineral Hydrocarbons in Food Regulations 1964; and shall come into operation on 15th August 1964.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs Act 1955;

“chewing compound” means chewing gum and other products of a like nature and use;

“dried fruit” means prunes, currants, sultanas and raisins;

“food” means food intended for sale for human consumption;

“food and drugs authority” has the meaning assigned to it by section 83 of the Act;

“human consumption” includes use in the preparation of food for human consumption;

“mineral hydrocarbon” means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies, hard paraffins and microcrystalline waxes;

“mineral oil” means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies and hard paraffins;

“sell” includes offer or expose for sale or have in possession for sale; and “sale” shall be construed accordingly;

AND other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the orders and regulations hereby revoked were Acts of Parliament.

Exemptions

- 3.—(1) Regulation 5 of these regulations shall not apply in relation to—
- (a) any dried fruit containing not more than 0.5 part by weight of mineral hydrocarbon per 100 parts by weight of dried fruit ;
 - (b) any citrus fruit containing not more than 0.1 part by weight of mineral hydrocarbon per 100 parts by weight of citrus fruit ;
 - (c) any sugar confectionery containing mineral hydrocarbon by reason of the use of mineral hydrocarbon as a polishing or glazing agent for confectionery if such confectionery contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of such confectionery ;
 - (d) any food containing mineral hydrocarbon—
 - (i) by reason of the use in the composition of such food of dried fruit, citrus fruit or sugar confectionery, or any one or more of these commodities, containing mineral hydrocarbon not in excess of the relevant quantities permitted in accordance with sub-paragraphs (a), (b) and (c) of this paragraph ;
 - (ii) by reason not of the inclusion of mineral hydrocarbon as an ingredient in such food but because of the use of mineral hydrocarbon as a lubricant or greasing agent on some surface with which such food has necessarily to come into contact during the course of preparation if such food contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of the food ;
 - (e) any chewing compound which contains no more than 60 parts by weight of paraffin or microcrystalline wax per 100 parts by weight of chewing compound and otherwise contains no mineral hydrocarbon ;
 - (f) any whole pressed cheese or part thereof containing mineral hydrocarbon by reason of the use of mineral hydrocarbon on the rind ;
 - (g) any eggs, laid by domestic fowls or domestic ducks, which contain mineral hydrocarbon by reason of their having been subjected to a process of preservation consisting of being dipped in, sprayed with or otherwise treated with mineral hydrocarbon and which before sale or exposure for sale are required (by section 3 of the Agricultural Produce (Grading and Marking) Act 1928(b) and orders thereunder(c)) to be marked on the shell with the word “ SEALED ” ;
 - (h) any food intended for exportation to any place outside the United Kingdom.

(2) Any reference in paragraph (1) of this regulation to mineral hydrocarbon means liquid mineral hydrocarbon or semi-liquid mineral hydrocarbon, or paraffin or microcrystalline wax, which complies with the specification therefor set forth respectively in paragraphs 1, 2 and 3 of Part I of Schedule I to these regulations or a mixture of such liquid, or semi-liquid mineral hydrocarbons, or paraffin or microcrystalline wax ; and the

(a) 52 & 53 Vict. c. 63.

(b) 18 & 19 Geo. 5. c. 19.

(c) S.R. & O. 1936/1027 (Rev. I, p. 431; 1936 I, p. 39); S.I. 1950/211 (1950 I, p. 19).

reference in paragraph (1)(e) of this regulation to paraffin or microcrystalline wax means paraffin or microcrystalline wax which complies with the specifications set forth in paragraphs 3 and 4 of the said Part of the said Schedule.

(3) An exemption provided for in paragraph (1) of this regulation shall not apply if the food contains any mineral hydrocarbon other than mineral hydrocarbon of a kind defined in relation to that food in paragraph (2) of this regulation.

Continuation of the Mineral Oil in Food Order 1949

4. Until the Mineral Oil in Food Order 1949(a) as amended(b) ceases to have effect in accordance with regulation 10 hereof, regulation 5 of these regulations shall not apply in relation to—

- (a) the use of any mineral oil in the composition or preparation of any food in accordance with the provisions of that order as amended ;
- (b) the sale of any food containing mineral oil in accordance with such provisions.

Prohibition of mineral hydrocarbon in food

5. Subject to the provisions of these regulations—

- (a) no person shall use or permit to be used any mineral hydrocarbon in the composition or preparation of any food ;
- (b) no person shall sell any food containing any mineral hydrocarbon ;
- (c) no person shall, on and after 15th February 1965, consign or deliver, or import into England and Wales, any food containing any mineral hydrocarbon.

Condemnation of food containing mineral hydrocarbon

6. Where any food is certified by a public analyst as being food in the composition or preparation of which any mineral hydrocarbon has been used which it is an offence against the foregoing provisions of these regulations to use, permit to be used, sell, consign or deliver, or import into England and Wales, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties

7. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Enforcement

8. Each food and drugs authority shall enforce and execute these regulations in their area ;

Provided that each port health authority shall enforce and execute in their district the provisions of regulations 5 and 6 of these regulations in so far as they relate to importation.

(a) S.I. 1949/614 (1949 II, p. 14).

(b) S.I. 1950/1239, 1954/1044, 1955/1901 (1950 III, p. 41; 1954 I, p. 802; 1955 I, p. 917).

Application of various sections of the Act

9.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

Revocation

10. The orders and regulations specified in Schedule 2 to these regulations shall cease to have effect on 15th February 1965.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 30th July 1964.

(L.S.)

Bernard Braine,
Joint Parliamentary Secretary,
Ministry of Health.

Regulation 3(2)

SCHEDULE 1

PART I

SPECIFICATIONS FOR LIQUID MINERAL HYDROCARBON, SEMI-LIQUID MINERAL HYDROCARBON, AND PARAFFIN OR MICROCRYSTALLINE WAX

Specification for liquid mineral hydrocarbon

1. Liquid mineral hydrocarbon—

- (a) shall be a transparent mixture of liquid hydrocarbons, almost colourless and tasteless ;
- (b) shall have an absorption intensity in iso-octane over the range 240–280 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 0.4$ (0.04 litre gm. cm.) ; and
- (c) shall comply with the tests for acidity or alkalinity, carbonisable substances, solid paraffins, and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

*Specification for semi-liquid mineral hydrocarbon***2. Semi-liquid mineral hydrocarbon—**

- (a) shall be a white translucent unctuous mixture of semi-liquid hydrocarbons barely fluorescent in daylight ;
- (b) shall contain not more than 0.1 per cent. of sulphated ash ;
- (c) shall have an absorption intensity in iso-octane at 290 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 10.0$ (1.0 litre gm. cm.) ; and
- (d) shall comply with the tests for acidity or alkalinity and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

*Specification for paraffin or microcrystalline wax***3. Paraffin or microcrystalline wax—**

- (a) shall be an almost odourless and tasteless mixture of solid hydrocarbons ;
- (b) shall contain not more than 0.1 per cent. of sulphated ash ;
- (c) shall have an iodine value of not more than 4.0 ;
- (d) shall have an absorption intensity in iso-octane at 290 millimicrons not greater than $E \frac{1\%}{1 \text{ cm.}} 0.4$ (0.04 litre gm. cm.) ; and
- (e) shall comply with the tests for acidity or alkalinity, and sulphur compounds given in the monograph for Liquid Paraffin in the British Pharmacopoeia 1963.

*Specification for paraffin or microcrystalline wax in chewing compounds***4. Paraffin or microcrystalline wax in chewing compounds—**

- (a) shall comply with the specification set forth in paragraph 3 of this Part of this Schedule ; and
- (b) shall have been tested for the presence of polycyclic hydrocarbons by the method set forth in Part II of this Schedule with the result described in paragraph 5 of the said Part II.

PART II**METHOD OF TESTING PARAFFIN OR MICROCRYSTALLINE WAX FOR THE PRESENCE OF POLYCYCLIC HYDROCARBONS***Principle of method*

1. The method is based on the maximum absorbance within four wavelength ranges of an extract prepared by chromatography on silica gel and partition of the adsorbate between cyclohexane and nitromethane followed by a second chromatography on silica gel impregnated with nitromethane. Some of the polynuclear hydrocarbons are susceptible to photo-oxidation. The entire procedure subsequent to the addition of the wax to the chromatographic column must therefore be carried out under subdued light. No grease is to be used on stopcocks or joints.

*Apparatus to be used***2. The following apparatus shall be used—**

- (a) a spectrophotometer capable of accurate measurement over the range 280–400 millimicrons ;
- (b) fused quartz cells 10 mm. optical path length ; and

(c) chromatographic apparatus consisting of—

- (i) a glass tube, approximately 35 cm. by 3.5 cm., constricted at the lower end to fit a suction flask and capable of being heated to 85° C. ; and
- (ii) a glass tube, approximately 115 cm. by 1.7 cm., sealed to a stopcock at the lower end and fitted with a solvent reservoir of approximately 500 ml. capacity.

Reagents to be used

3. The following reagents shall be used—

- (a) solvents—namely iso-octane (2,2,4 trimethylpentane), benzene cyclohexane, n-hexadecane, methanol, and nitro-methane freshly distilled under reduced pressure in a current of nitrogen on the day of use ;
- (b) silica gel—which shall pass a 100 B.S. sieve and be retained on a 200 B.S. sieve, washed with methanol, and activated by heating at 150° C. for 16 hours in a current of clean air or nitrogen ; and
- (c) nitrogen—which shall be oxygen free.

Method of conducting test

4. Any person conducting this test shall proceed as follows—

Dissolve 100 gm. \pm 0.5 gm. of the molten sample in 500 ml. of hot iso-octane. Prepare a dry column (about 125 gm.) of silica gel in the tube mentioned in paragraph 2(c)(i) of this Part of this Schedule, retaining it by a glass wool plug at the constricted lower end. Heat the column to about 15° C. above the melting point of the wax, and pass through it 200 ml. of hot iso-octane, at the rate of about 12 ml. per minute, using suction. A layer of solvent must cover the silica gel from this point until the elution of the column is completed. Pass the wax solution through the column and follow it with 500 ml. of hot iso-octane. Discontinue the heating and suction and let the column cool. Pass a further 50 ml. of iso-octane at room temperature through the column. Change the receiver at the bottom of the column and elute adsorbed material from the silica gel with 200 ml. of benzene. To the benzene eluate add 1 ml. of n-hexadecane and evaporate the benzene in a stream of nitrogen under reduced pressure. Transfer the residue to a separating funnel with 50 ml. of cyclohexane, add 25 ml. of nitromethane saturated with cyclohexane, and shake vigorously for three minutes. Draw off the lower layer into a second separating funnel and repeat the extraction with four separate portions of 25 ml. of nitromethane saturated with cyclohexane. To the combined nitromethane extracts add 20 ml. of cyclohexane and shake as before. Draw off the lower layer into an evaporation flask, add 1 ml. of n-hexadecane and remove the solvent in a stream of nitrogen under reduced pressure. Allow the flask to cool and dissolve the residue in 10 ml. of iso-octane.

Prepare by shaking together for one hour a mixture of 100 gm. of silica gel, and 40 ml. of nitromethane. Plug the stopcock end of the tube mentioned in paragraph 2(c)(ii) of this Part of this Schedule with glass wool and fill with nitromethane silica gel mixture. Transfer the solution of the residue to the column and wash with 160 ml. of iso-octane saturated with nitromethane, discarding the first 90 ml. of eluate. Percolation through the column can be accelerated if necessary by the application of a pressure of nitrogen gas on the reservoir. Add 250 ml. of benzene to the solvent reservoir and continue the elution collecting the whole eluate. Add 1 ml. of n-hexadecane to the eluate and remove the solvents in a stream of nitrogen under reduced pressure. A residue of about 1 ml. should remain. Dissolve this residue in iso-octane and dilute to 100 ml. Determine the absorbance of the solution against pure iso-octane in a 1 cm. cell over the range 280-400 millimicrons. Correct the absorbance values for any cell differences and for any absorbance derived from reagents as determined by carrying out the procedure without a wax sample.

Result of test

5. The tested paraffin or microcrystalline wax shall be deemed to have satisfied the test if the following result is obtained, namely if the light absorbance of the extract in a 1 cm. cell is below the following limits:—

Wavelength range (millimicrons)		300-359	360-400
280-289	290-299		
Absorbance Limit		0.27	0.07
0.50	0.42		

Check of test

6. The efficacy of the test shall be checked by determining the recovery of the polycyclic aromatic hydrocarbon Pyrene added at the level of 0.5 p.p.m. to a wax. The recovery should be not less than 40 per cent. of the amount added.

SCHEDULE 2

Regulation 10

ORDERS AND REGULATIONS REVOKED
AS FROM 15TH FEBRUARY 1965

The Mineral Oil in Food Order 1949	S.I. 1949/614 (1949 II, p. 14).
The Mineral Oil in Food (Amendment) Order 1950	S.I. 1950/1239 (1950 III, p. 41).
The Mineral Oil in Food (Amendment) Order 1954	S.I. 1954/1044 (1954 I, p. 802).
The Mineral Oil in Food (Amendment) Regulations 1955	S.I. 1955/1901 (1955 I, p. 917).

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which apply in England and Wales only, prohibit (subject to certain exemptions relating to dried fruit, citrus fruit, sugar confectionery, lubricants, cheese, eggs and chewing compounds) the use of any mineral hydrocarbon in the composition or preparation of food, the sale of food containing any mineral hydrocarbon and, on and after 15th February 1965, the consignment, delivery or importation of any food containing any mineral hydrocarbon (regulation 5).

The regulations lay down specifications for mineral hydrocarbons the use of which is regulated in relation to the permitted exemptions, including a test for limits of content of certain polycyclic aromatic hydrocarbons (regulation 3(2) and Schedule 1).

The regulations also make provision for the following:—

- (a) the condemnation of food containing mineral hydrocarbon in contravention of the regulations (regulation 6);
- (b) penalties for infringement of the regulations (regulation 7);
- (c) enforcement by food and drugs authorities or (as regards the provisions of regulations 5 and 6 in so far as they relate to importation) by port health authorities (regulation 8); and
- (d) application of certain sections of the Food and Drugs Act 1955 relating to legal proceedings (regulation 9).

The regulations come into operation on 15th August 1964, but the use of mineral oil in the preparation of food, and the sale of food containing mineral oil, in compliance with the Mineral Oil in Food Order 1949 (as amended) is permitted until that order is revoked on 15th February 1965.

1964 No. 1290

PURCHASE TAX

The Purchase Tax (No. 1) Order 1964

<i>Made - - - -</i>	11th August 1964
<i>Laid before the House of Commons - -</i>	17th August 1964
<i>Coming into Operation</i>	18th August 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by section 2(3) of the Purchase Tax Act 1963(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

1.—(1) In Group 12 (appliances and apparatus of a kind used for domestic purposes) of Part I of Schedule 1 to the Purchase Tax Act 1963, for paragraphs (1) to (6A) of the heading "Exempt" (as amended by the Purchase Tax (No. 3) Order 1963(b)) there shall be substituted the paragraphs set out in the Schedule to this Order.

(2) The Purchase Tax (No. 3) Order 1963 is hereby revoked.

2.—(1) This Order may be cited as the Purchase Tax (No. 1) Order 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 18th August 1964.

John Peel,

M. A. Hamilton,

Two of the Lords Commissioners
of Her Majesty's Treasury.

11th August 1964.

SCHEDULE

 GROUP 12 EXEMPTIONS: PARAGRAPHS SUBSTITUTED
FOR PARAGRAPHS (1)-(6A)

(1) Cooking appliances (not being oil burning or electrically or gas operated appliances of a kind used for cooking and also for space heating), the following:—

- (i) stoves, ranges and ovens;
- (ii) boiling rings, grillers and hot-plates.

(2) Appliances for space heating or for water heating, whether or not incorporating one or more electrically operated fans, pumps or feeder mechanisms or electrically or gas operated ignition or combustion controls, but not otherwise electrically or gas operated and not burning oil.

(3) Oil burning appliances, whether or not incorporating one or more electrically operated fans or pumps or electrically or gas operated ignition or combustion controls, but not otherwise electrically or gas operated, the following:—

- (i) furnaces for central heating systems;
- (ii) appliances for water heating.

(4) Gas burning furnaces for central heating systems, whether or not incorporating one or more electrically operated fans, pumps or ignition or combustion controls, but not otherwise electrically operated, the following:—

- (i) water boilers of an output not less than 30,000 British thermal units per hour;
 - (ii) appliances designed only for the transmission of heated air through a system of ducting to two or more rooms simultaneously.
- (5) Electrically operated appliances for space heating, the following:—
- (i) appliances for central heating systems, being appliances designed for a sustained output, when installed, not less than 30,000 British thermal units per hour (on the assumption, if the output varies with working conditions, that the appliance is working under average winter conditions) and being—
 - (I) water boilers, or
 - (II) appliances designed only for the transmission of heated air through a system of ducting to two or more rooms simultaneously;
 - (ii) storage heaters, being—
 - (I) appliances which store heat in suitable material incorporated in the appliance, where the ratio of the weight of the appliance (expressed in pounds) to the total load (expressed in kilowatts) of all the heating circuits in the appliance is not less than 70 pounds to the kilowatt, or
 - (II) appliances (not falling within paragraph (I) above) which store heat in suitable material incorporated in the appliance, and in the opinion of the Commissioners, after consultation with the Electricity Council, do so in a manner fitting them for operation under off-peak electricity tariffs, or
 - (III) appliances which in the opinion of the Commissioners, after consultation with the Electricity Council, are so designed as to provide heat for storage in material forming part of the structure in which the appliance is used and to do so in a manner fitting them for operation under off-peak electricity tariffs.

(6) Parts of appliances comprised in paragraph (1) above, parts (other than a part or collection of parts constituting an electrically operated fan or pump or an electrically or gas operated ignition or combustion control) of appliances comprised in paragraphs (2) to (4) above, and parts, not electrically operated, of oil burning space heaters; but not in any case including a part or collection of parts constituting an oil burning space heater.

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order extends the purchase tax exemptions for certain space heating and water heating appliances, and sets out in a simpler form all the exemptions now effective for space heating, water heating and cooking appliances. The extensions are as follows:—

- (1) electric space heating appliances of the storage type may obtain exemption either by reference to a ratio of weight to kilowatt load, as hitherto, or by direct reference to their suitability for operation under off-peak electricity tariffs;
- (2) certain appliances not primarily operated by electricity or gas are exempted notwithstanding that they incorporate electrically operated feeder mechanisms or electrically or gas operated ignition or combustion controls.

 STATUTORY INSTRUMENTS

1964 No. 1293

LONDON GOVERNMENT

**The London Government (Education) (Interim Action)
Order 1964**

Made - - - - 11th August 1964

Laid before Parliament 18th August 1964

Coming into Operation 19th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 84 of the London Government Act 1963(a), hereby makes the following order:—

1. This order may be cited as the London Government (Education) (Interim Action) Order 1964, and shall come into operation on 19th August 1964.

2. The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

3. For the purpose of the appointment of any officer or the taking of any other action, and the incurring of any expenditure in relation thereto, by the Greater London Council or the Council of any outer London borough to ensure the effective operation as from the 1st April 1965, of the provisions of Part IV of the London Government Act 1963, which relates to Education and Youth-Employment Service, such provisions shall be deemed to have been operative as from the passing of the said Act.

Given under the Official Seal of the Secretary of State for Education and Science on 11th August 1964.

(L.S.)

Edward C. G. Boyle,
Minister of State for
Education and Science.

 EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order facilitates the appointment of officers and the taking of other action before 1st April 1965 by the Greater London Council and the outer London borough Councils under Part IV of the London Government Act 1963.

 (a) 1963 c. 33.

(b) 52 & 53 Vict c. 63.

1964 No. 1294

EDUCATION, ENGLAND AND WALES

The Scholarships and Other Benefits Amending Regulations 1964

<i>Made</i>	11th August 1964
<i>Laid before Parliament</i>	18th August 1964
<i>Coming into Operation</i>	19th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 81(c) of the Education Act 1944(a), as amended by section 2 of the Education Act 1964(b), hereby makes the following regulations:—

1. These regulations may be cited as the Scholarships and Other Benefits Amending Regulations 1964, and shall come into operation on 19th August 1964.

2.—(1) These regulations amend the Regulations for Scholarships and Other Benefits 1945(c), hereinafter called “the existing regulations”.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Regulation 2 of the existing regulations shall have effect with the addition of the following paragraph:—

“(g) grant maintenance allowances in respect of pupils, being registered pupils at special schools, who are by virtue of section 38(1) of the Act deemed to be of compulsory school age but who, apart from the said section 38(1), would be over compulsory school age.”

Given under the Official Seal of the Secretary of State for Education and Science on 11th August 1964.

(L.S.)

Edward C. G. Boyle,
Minister of State for
Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations give effect to section 2 of the Education Act 1964, by enabling local education authorities to pay maintenance allowances in respect of pupils at special schools at the same age as pupils attending ordinary schools, notwithstanding the higher leaving age imposed by section 38 of the Education Act 1944 on pupils in special schools.

(a) 7 & 8 Geo. 6. c. 31.

(b) 1964 c. 82.

(c) S.R. & O. 1945/666 (Rev. VI, p. 378; 1945 I, p. 340).

(d) 52 & 53 Vict. c. 63.

1964 No. 1295

REPRESENTATION OF THE PEOPLE

The Elections (Welsh Forms) Regulations 1964

Made - - - - 10th August 1964
 Coming into Operation 1st September 1964

In pursuance of the powers conferred on me by section 1(1) of the Elections (Welsh Forms) Act 1964(a), I hereby make the following Regulations :—

1. Each of the forms set out in the Schedule to these Regulations is hereby prescribed as the translation into the Welsh language of the corresponding form specified in the English language at the head of the translation, being a form set out in a Schedule to the Representation of the People Act 1949(b) or prescribed by regulations made under that Act.

2. These Regulations may be cited as the Elections (Welsh Forms) Regulations 1964 and shall come into operation on 1st September 1964.

Henry Brooke,
 One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.
 10th August 1964.

SCHEDULE

Regulation 1

ARRANGEMENT OF TRANSLATIONS

Translation number	Form translated
1	<i>The Appendix in Schedule 2 to the Representation of the People Act 1949</i> Nomination paper for a parliamentary election.
2	Declaration to be made by the companion of a blind voter at a parliamentary election.

(a) 1964 c. 31.

(b) 12, 13 & 14 Geo. 6. c. 68.

Translation number	Form translated
3	<i>The parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949</i> Declaration of secrecy (rule 32(4)).
4	Questions to be put to a person applying as an elector for a ballot paper (rule 36(1)(a)).
5	Questions to be put to a person applying as proxy for a ballot paper (rule 36(1)(b)).
6	Additional questions to be put to a person applying as proxy for a ballot paper (rule 36(2)).
	<i>Schedule 1 to the Representation of the People Regulations 1950(a)</i>
7	Form E: Elector's official poll card.
8	Form F: Proxy's official poll card.

1

Translation of the form of nomination paper for a parliamentary election set out in the Appendix in Schedule 2 to the Representation of the People Act 1949

ETHOL AELOD i Wasanaethu yn y Senedd

dros Etholaeth

Yr ydym ni sydd â'n henwau isod ac sy'n etholwyr yn yr Etholaeth a enwyd, drwy'r weithred hon yn enwebu'r person a enwir isod i fod yn ymgeisydd yn yr etholiad a nodwyd.

Cyfenw'r Ymgeisydd	Yr Enwau Eraill yn Llawn	Cyfeiriad Ei Gartref	Disgrifiad

Llofnod	Rhif Etholiadol (gweler nodiad 3)
Cynigydd
Eilydd
Yr ydym ni sydd â'n henwau yma ac sy'n etholwyr yn yr etholaeth a enwir uchod yn cytuno drwy hyn o weithred â'r enwebiad hwn.	
1.
2.
3.
4.
5.
6.
7.
8.

NODIADAU

1. Gelwir sylw ymgeiswyr ac etholwyr at y rheolau gogyfer â llenwi papurau enwebu ac amodau eraill perthynol i enwebu a geir yn y rheolau'n ymwneud ag etholiadau seneddol yn yr Ail Atodiad i Ddeddf Cynrychiolaeth y Bobl 1949.

2. Os bydd ymgeisydd yn adnabyddus wrth ryw deitl bydd hawl i'w ddynodi wrth y teitl hwnnw fel petai'n gyfenw iddo.

3. Rhif etholiadol person yw'r rhif sydd ganddo yn y rhestr enwau ddarparedig i'r etholiad (ynghyda'r llythyren wahaniaethol a ddengys y rhanbarth lle y mae ei bleidlais mewn etholiad seneddol): ond os bydd y rhestr enwau heb ei chyhoeddi ar y pryd dylid defnyddio'r rhif sydd ganddo (os oes un o gwbl) yn y rhestrau etholwyr sy'n sail i'r rhestr enwau ddarparedig.

4. Ni chaiff etholwr roi ei enw wrth fwy nag un papur enwebu yn yr un etholiad.

5. Os digwydd i ddydd pleidleisio etholiad ddisgyn ar ôl y 15fed o Chwefror a chyn yr ail o Hydref bydd y sawl sydd â'r llythren "Y" wrth ei enw yn y rhestr enwau ar gyfer yr etholiad hwnnw heb hawl i roi ei enw wrth papur enwebu.

2

Translation of the form of declaration to be made by the companion of a blind voter at a parliamentary election set out in the Appendix in Schedule 2 to the Representation of the People Act 1949

Yr wyf fi A.B. sy'n byw yn oherwydd derbyn cais i gynorthwyo C.D. (lle bo person dall yn pleidleisio fel dirprwy ychwaneger trwy fod yn ddirprwy ar ran M.N.) sef rhif yn Rhestr yr Etholwyr i roi ei bleidlais yn yr etholiad sy'n cael ei gynnal ar hyn o bryd yn yr etholaeth hon, yn datgan drwy hyn o weithred [fod gennyf hawl i bleidleisio fel Etholwr yn yr etholiad hwn] [fy mod yn * i'r pleidleisiwr hwn a'm bod yn un ar hugain mlwydd oed] a'm bod heb gynorthwyo unrhyw berson dall cyn hyn [oddiethr E.F., sy'n byw yn] i bleidleisio yn yr etholiad hwn.

(Llofnod) A.B.

Dyddiad

19 .

Yr wyf fi, sydd â'm llofnod isod, sef Swyddog Llywyddu yng Ngorsaf Bleidleisio yn Rhanbarth Etholiadol yn Sir , yn tystio drwy hyn o weithred, fod y datganiad uchod wedi ei ddarllen yng nghlyw'r datganwr a'i fod wedyn wedi rhoi ei enw wrtho yn fy ngwydd.

(Llofnod) G.H.

Y dyddiad

19 . Yr amser o'r dydd i'r funud .

DALIER SYLW: y neb a wnel y datganiad uchod ac a ddywedo anwiredd yn ystyriol ac yn fwriadol ynglyn ag unrhyw fater o bwys bydd yn euog o drosedd.

3

Translation of the form of declaration of secrecy set out in rule 32(4) of the parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949

"Addawaf y datganaf yn ddirifiddwys na wnaif ddim sydd yn waharddedig yn ôl is-adrannau 1, 2, 3 a 6 o adran 53 o Ddeddf Cynrychiolaeth y Bobl 1949 sydd wedi eu darllen yn fy nghlyw."

* Dylid dweud sut y mae'r cydymaith yn perthyn i'r pleidleisiwr, hynny yw, tad, mam brawd, chwaer, gŵr, gwraig, mab neu ferch.

4

Translation of the form of questions to be put to a person applying as an elector for a ballot paper set out in rule 36(1)(a) of the parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949

“(i) ai chwychwi yw'r person sydd wedi ei gofrestru yn y modd yma yn rhestr yr etholwyr seneddol at yr etholiad hwn . . . ?”

“(ii) a ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr is-etholiad [etholiad cyffredinol] hwn, heblaw fel dirprwy ar ran rhywun arall?”

5

Translation of the form of questions to be put to a person applying as proxy for a ballot paper set out in rule 36(1)(b) of the parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949

“(i) ai chwychwi yw'r person sydd â'r enw A.B. yn rhes y dirprwyon at yr etholiad hwn, ac sydd wedi derbyn yr hawl i bleidleisio ar ran C.D.?”

“(ii) a ydych eisoes wedi pleidleisio yma neu yn rhywle arall yn yr is-etholiad [etholiad cyffredinol] hwn fel dirprwy ar ran C.D.?”

6

Translation of the form of additional questions to be put to a person applying as proxy for a ballot paper set out in rule 36(2) of the parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949

“A ydych yn ŵr [wraig] i C.D. neu'n dad [fam] neu'n daid [nain] neu'n frawd [chwaer], neu'n blentyn neu'n ŵyr?”

“A ydych eisoes wedi pleidleisio yn yr etholiad hwn ac yn yr etholaeth hon ar ran dau berson heb fod perthynas deuluol rhyngoch a hwy, fel gŵr [gwraig], tad [mam], taid [nain], brawd [chwaer], plentyn, neu ŵyr?”

7

Translation of Form E (elector's official poll card) set out in Schedule 1 to the Representation of the People Regulations 1950

CERDYN BLEIDLEISIO SWYDDOGOL

Wyneb y cerdyn

Etholaeth

Dydd Pleidleisio

Yr orsaf bleidleisio i chwi fydd

Rhif ar y Rhestr

Enw

Ffurfiad cefn y cerdyn

ETHOLIAD SENEDDOL

Bydd yr orsaf bleidleisio ar agor o 7 a.m. hyd 9 p.m.

Y mae cyfeiriad eich gorsaf bleidleisio wedi ei nodi ar yr ochr arall i'r cerdyn hwn.

Wedi ichwi gyrraedd yr orsaf bleidleisio rhowch eich enw a'ch cyfeiriad i'r clerc fel y maent ar wyneb y cerdyn hwn. Cewch bapur pleidleisio gan y Swyddog Llywyddu: mynnwch weld ei fod yn bathu'r nod swyddogol arno cyn ei estyn i chwi.

Rhowch arwydd eich pleidlais ar y papur yn ddirgel yn un o'r cabanau pleidleisio. Rhowch un X yn y lle gwag ar y dde gyferbyn ag enw'r ymgeisydd yr ydych am bleidleisio drosto. Dros un ymgeisydd yn unig y mae modd i chwi bleidleisio. Os rhowch chwi unrhyw farc arall ar y papur pleidleisio, efallai na chaiff eich pleidlais ei chyfrif.

Wedyn rhowch blyg i'r papur er mwyn cadw'ch pleidlais ynghudd : dangoswch y nod swyddogol ar gefn y papur i'r Swyddog Llywyddu, a dodwch y papur yn y blwch pleidleisiau.

Os digwydd ichwi gam-nodi'ch papur pleidlais drwy gamgymeriad, peidiwch â'i ddiinistrio; rhowch ef yn ôl i'r Swyddog Llywyddu a gofynnwch am un yn ei le.

Wedi ei gyhoeddi gan y Swyddog Canlyniadau.

8

Translation of Form F (proxy's official poll card) set out in Schedule 1 to the Representation of the People Regulations 1950

CERDYN PLEIDLEISIO SWYDDOGOL DIRPRWY

Wyneb y cerdyn

Ar wyneb y cerdyn fe fydd enw a chyfeiriad y dirprwy

Ffurfiad cefn y cerdyn

ETHOLIAD SENEDDOL

Etholaeth

Dyddiad Pleidleisio

Bydd yr orsaf bleidleisio ar agor o 7 a.m. hyd 9 p.m.

Y mae'r etholwr isod, yr ydych yn ddirprwy iddo, â hawl i bleidleisio yn yr orsaf bleidleisio yma—

.....

I bleidleisio fel dirprwy rhaid i chwi fynd i'r orsaf bleidleisio hon. Rhowch wybod i'r clerch eich bod am bleidleisio fel dirprwy; rhowch enw'r etholwr a'r cyfeiriad y mae wedi ei gofrestru o'i blegid, fel y canlyn* :—

.....

Fe rydd y Swyddog Llywyddu bapur pleidleisio'r etholwr i chwi. Y mae'r dull o bleidleisio fel dirprwy yr un fath â'r dull o roi'ch pleidlais eich hunan.

Wedi ei gyhoeddi gan y Swyddog Canlyniadau.

* Dynodwch enw'r etholwr fel y ceir ef yn y rhestr etholwyr, ynghyd a'r cyfeiriad y mae wedi'i gofrestru o'i blegid, a'i rif yn y rhestr.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe translations into the Welsh language of the electoral forms mentioned at the head of the Schedule.

1964 No. 1302

WEIGHTS AND MEASURES**LOCAL ADMINISTRATION****The Weights and Measures Authorities (Metropolitan Region)
Order 1964**

<i>Made - - - -</i>	<i>13th August 1964</i>
<i>Laid before Parliament</i>	<i>20th August 1964</i>
<i>Coming into Operation</i>	<i>1st April 1965</i>

The Board of Trade, in pursuance of the powers conferred upon them by section 35 of the Weights and Measures Act 1963(a) and all other powers enabling them in that behalf, hereby order as follows:—

1. On and after 1st April 1965 the local weights and measures authority—
 - (1) for each London Borough shall be the council of that borough ;
 - (2) for the City of London shall continue to be the Common Council of the City of London ;
 - (3) for the Inner and the Middle Temples shall be the Common Council of the City of London.
2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.
3. This Order may be cited as the Weights and Measures Authorities (Metropolitan Region) Order 1964.

13th August 1964.

David Price,
Parliamentary Secretary to the
Board of Trade.

 (a) 1963 c. 31.

(b) 52 & 53 Vict. c. 63.

 S T A T U T O R Y I N S T R U M E N T S

1964 No. 1308

LOCAL GOVERNMENT, ENGLAND AND WALES**The Training of Teachers (Local Education Authorities)
Amending Regulations 1964**

<i>Made - - - -</i>	13th August 1964
<i>Laid before Parliament</i>	21st August 1964
<i>Coming into Operation</i>	24th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by Section 3(4) of the Local Government Act 1958(a), hereby makes the following regulations:—

1. These regulations may be cited as the Training of Teachers (Local Education Authorities) Amending Regulations 1964 and shall come into operation on 24th August 1964.

2. The existing regulations hereby amended are the Training of Teachers (Local Education Authorities) Regulations 1959(b).

3. The following regulation is hereby substituted for regulation 21 of the existing regulations, which relates to teachers unsuitable for employment:—

“ 21.—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed in any school, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education and Science on 13th August 1964.

(L.S.)

Edward C. G. Boyle,

Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations bring the existing regulation 21 into line with the corresponding regulations relating to the employment of teachers in schools and further education establishments.

(a) 6 & 7 Eliz. 2. c. 55.

(b) S.I. 1959/395 (1959 I, p. 1590).

1964 No. 1309

LOCAL GOVERNMENT, ENGLAND AND WALES

The Further Education (Local Education Authorities) Amending Regulations 1964

<i>Made</i> - - - -	13th August 1964
<i>Laid before Parliament</i>	21st August 1964
<i>Coming into Operation</i>	24th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by Section 3(4) of the Local Government Act 1958(a), hereby makes the following regulations:—

1. These regulations may be cited as the Further Education (Local Education Authorities) Amending Regulations 1964 and shall come into operation on 24th August 1964.

2. The existing regulations hereby amended are the Further Education (Local Education Authorities) Regulations 1959(b).

3. The following regulation is hereby substituted for regulation 14 of the existing regulations, which relate to teachers unsuitable for employment:—

“ 14.—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed in any school, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.

(3) References in this and the preceding regulation to a teacher shall include references to the warden of a community centre and the leader of a youth club or similar institution ”.

Given under the Official Seal of the Secretary of State for Education and Science on 13th August 1964.

(L.S.)

Edward C. G. Boyle,

Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations remove a drafting ambiguity in the existing regulation 14, but otherwise closely reproduce the existing terms of regulation 14.

(a) 6 & 7 Eliz. 2. c. 55.

(b) S.I. 1959/393 (1959 I, p. 1577).

1964 No. 1310

EDUCATION, ENGLAND AND WALES
**The Further Education (Grant) Amending
Regulations 1964**

<i>Made</i>	13th August 1964
<i>Laid before Parliament</i>	21st August 1964
<i>Coming into Operation</i>	24th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by Section 100 of the Education Act 1944(a), hereby makes the following regulations:—

1. These regulations may be cited as the Further Education (Grant) Amending Regulations 1964 and shall come into operation on 24th August 1964.

2. The existing regulations hereby amended are the Further Education (Grant) Regulations 1959(b).

3. The following regulation is hereby substituted for regulation 15 of the existing regulations, which relates to teachers unsuitable for employment:—

“15—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed in any school, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education and Science on 13th August 1964.

(L.S.)

Edward C. G. Boyle,
Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations remove a drafting ambiguity in the existing regulation 15, but otherwise closely reproduce the existing terms of regulation 15.

(a) 7 & 8 Geo. 6. c. 31.

(b) S.I. 1959/394 (1959 I, p. 1041).

1964 No. 1311

LOCAL GOVERNMENT, ENGLAND AND WALES

The Schools Amending Regulations 1964

<i>Made</i> - - - -	13th August 1964
<i>Laid before Parliament</i>	21st August 1964
<i>Coming into Operation</i>	24th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 3(4) of the Local Government Act 1958(a), hereby makes the following regulations:—

1. These regulations may be cited as the Schools Amending Regulations 1964 and shall come into operation on 24th August 1964.

2. The existing regulations hereby amended are the Schools Regulations 1959(b).

3. The following paragraph is hereby substituted for paragraph 5 of Schedule II to the existing regulations, which relates to teachers unsuitable for employment:—

“5(a) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed in any school, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(b) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education and Science on 13th August 1964.

(L.S.)

Edward C. G. Boyle,

Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations remove a drafting ambiguity in the existing paragraph 5 of Schedule II but otherwise closely reproduce the existing terms of paragraph 5.

(a) 6 & 7 Eliz. 2. c. 55.

(b) S.I. 1959/364 (1959 I, p. 1584).

 STATUTORY INSTRUMENTS

1964 No. 1312

EDUCATION, ENGLAND AND WALES

The Direct Grant Schools Amending Regulations 1964

Made - - - - 13th August 1964
Laid before Parliament 21st August 1964
Coming into Operation 24th August 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 100 of the Education Act 1944(a), hereby makes the following regulations:—

1. These regulations may be cited as the Direct Grant Schools Amending Regulations 1964 and shall come into operation on 24th August 1964.
2. The existing regulations hereby amended are the Direct Grant Schools Regulations 1959(b).
3. The following regulation is hereby substituted for regulation 24 of the existing regulations, which relates to teachers unsuitable for employment:—

“ 24.—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed in any school, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education and Science on 13th August 1964.

(L.S.)

Edward C. G. Boyle,
Minister of State for Education and Science.

 EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations remove a drafting ambiguity in the existing regulation 24, but otherwise closely reproduce the existing terms of regulation 24.

(a) 7 & 8 Geo. 6. c. 31.

(b) S.I. 1959/1832 (1959 I, p. 1034.)

1964 No. 1313

WAGES COUNCILS**The Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1964**

Made - - - - - 12th August 1964
Coming into Operation 21st September 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 21st September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1962(c) and the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1964(d), shall cease to have effect.

Dated 12th August 1964.

Joseph Godber,
 Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/2478 (1962 III, p. 3342).
 (d) S.I. 1964/4 (1964 I, p. 3).

ARRANGEMENT OF SCHEDULE

PART I

STATUTORY MINIMUM REMUNERATION

	Paragraphs
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PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1962(a) (hereinafter referred to as "Order R.N.T. (30)") as amended by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1964(b) (Order R.N.T. (32)).

PART I

STATUTORY MINIMUM REMUNERATION
APPLICATION

1. Subject to the provisions of this Schedule, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2, 3 and 4: Provided that any increase in remuneration payable under the provisions of paragraph 2 or 3 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

(a) S.I. 1962/2478 (1962 III, p. 3342).

(b) S.I. 1964/4 (1964 I, p. 3).

**ALL WORKERS OTHER THAN TRANSPORT WORKERS AND
STREET NEWSVENDORS**

- 2.—(1) Subject to the provisions of this paragraph and of paragraph 1, the minimum remuneration payable to male or female workers of the classes specified in Column 1 of the next following table employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 2.

Column 1	Column 2					
	LONDON AREA		PROVINCIAL A AREA		PROVINCIAL B AREA	
	Per week		Per week		Per week	
	Male	Female	Male	Female	Male	Female
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(a) SHOP MANAGERS, SHOP MANAGERESSES where the number of staff (computed in accordance with the provisions of sub-paragraph (2) of this paragraph) is:—						
One or none	206 6	159 0	201 6	154 0	192 6	146 0
Two	212 6	165 0	207 6	160 0	198 6	152 0
Three	218 6	171 0	213 6	166 0	204 6	158 0
(b) CLERKS GRADE I, aged 24 years or over	192 0	142 6	187 0	137 6	178 0	129 6
(c) CLERKS GRADE I, aged under 24 years, CLERKS GRADE II and all other workers (other than transport workers and street newsvendors) being workers aged:—						
23 years or over	186 0	138 0	181 0	133 0	172 0	125 0
22 and under 23 years	174 6	128 0	168 6	122 6	160 6	116 0
21 " " 22 "	170 0	124 0	164 0	118 6	156 0	112 0
20 " " 21 "	136 6	107 0	132 0	102 6	126 0	96 6
19 " " 20 "	125 6	99 6	121 0	95 6	115 0	90 0
18 " " 19 "	116 0	94 0	111 6	90 0	105 6	84 6
17 " " 18 "	95 6	80 0	91 6	76 0	86 6	72 0
16 " " 17 "	88 0	75 6	85 0	71 6	81 0	67 6
15 " " 16 "	84 0	71 0	81 0	67 0	77 0	63 0

Provided that where a worker to whom (c) of the foregoing table applies enters, or has entered, the retail newsagency, tobacco and confectionery trades for the first time at or over the age of 20 years, the minimum remuneration payable shall be—

- (i) during the first three months of the employment, 10s. 0d. per week less, and
- (ii) during the second three months of the employment, 5s. 0d. per week less

than the minimum remuneration otherwise applicable to the worker under (c) of the said table.

- (2) In Column 1 of the foregoing table "number of staff" means the number of persons (excluding the shop manager or shop manageress) normally employed by the employer for whose control the shop manager or shop manageress is responsible to the employer and in computing that number—

- (a) each worker who normally works for the employer for more than 24 hours in a week shall be counted as one unit;
- (b) each worker who normally works for the employer for 24 hours or less in a week shall be counted as half a unit but where such calculation results in a fraction the next whole number above shall be the number to be counted for the purpose of the table aforesaid;

(c) a delivery worker employed for not more than 2 hours per day and for not more than 12 hours per week shall not be counted ;

(d) a cleaner employed for not more than 2 hours per day and for not more than 12 hours per week shall not be counted.

TRANSPORT WORKERS

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to transport workers employed in the London Area, Provincial A Area or Provincial B Area, as the case may be, shall be the appropriate amount set out in Column 3 of the next following table:—

Column 1	Column 2		Column 3		
Age of transport worker	Type of Vehicle		LONDON AREA	PRO-VINCIAL A AREA	PRO-VINCIAL B AREA
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle	Per week	Per week	Per week
					s. d.
21 years or over ...	} 1 ton or less ...	} One-horse	186 0	181 0	172 0
20 and under 21 years			149 0	147 0	141 6
19 " " 20 "			139 6	137 6	132 0
18 " " 19 "			130 6	128 6	123 0
Under 18 years ...			111 0	109 0	104 0
All ages ...	Over 1 ton and up to 2 tons	Two-horse	194 0	189 0	180 0
	Over 2 tons and up to 5 tons	—	198 0	193 0	184 0
	Over 5 tons ...	—	202 0	197 0	188 0

STREET NEWSVENDORS

4. The minimum remuneration payable to male or female street newsvendors of any age irrespective of the area in which they are employed is as follows:—

	Per Session
	s. d.
Morning newspapers session	10 0
Evening newspapers session	10 0
Sunday newspapers session	12 6

MINIMUM OVERTIME RATES

- 5.—(1) Subject to the provisions of this paragraph, overtime shall be payable at the following minimum rates:—

To all workers (other than street newsvendors)—

- (a) on the weekly short day in any week during which, under sub-section (3) of section 40 of the Shops Act 1950(a), the employer is relieved of his obligation to allow a worker a weekly half day—for any time worked after 1.30 p.m. double time
- (b) on the weekly short day (not being a weekly short day to which (a) of this sub-paragraph applies)—for any time worked after 1.30 p.m. time-and-a-half

(a) 14 Geo. 6. c. 28.

(c) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this subparagraph—

for the first 4 hours worked in excess of 44	hours	...	...	...	...	time-and-a-quarter
thereafter	...	...	...	...	...	time-and-a-half

Provided that in any week which includes one customary holiday "36 hours" shall be substituted for "44 hours" and in any week which includes two customary holidays "28 hours" shall be substituted for the said "44 hours".

(2) In the case of a shop manager or shop manageress overtime rates shall be payable only if the overtime is specifically authorised in writing by the employer or his representative.

ADDITIONAL PAYMENT FOR WORK PERFORMED ON SUNDAY

6. Where any worker (other than a street news vendor) is required to work on a Sunday he shall be paid in addition to any remuneration to which he may become entitled under the other provisions of this Schedule:—

- (a) where the time worked does not exceed 4 hours quarter time for 4 hours
- (b) where the time worked exceeds 4 hours ... quarter time for all time worked

Provided that in the case of a shop manager or a shop manageress the said addition shall be payable only if the work on a Sunday is specifically authorised in writing by the employer or his representative.

WAITING TIME

7. A worker (other than a street news vendor) shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—

- (a) without the employer's consent, express or implied;
- (b) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform;
- (c) by reason only of the fact that he is resident thereon; or
- (d) during normal meal times and he is not waiting for work to be given to him to perform.

WORKERS (OTHER THAN STREET NEWS VENDORS) WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

8. Where a worker (other than a street news vendor) is not required to work on a customary holiday he shall be paid for the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

9. Where a customary holiday is a day which has been allowed to a worker (other than a street news vendor) and taken by him as a day of annual holiday under the provisions of Part II of this Schedule—

(1) the worker shall be allowed within 28 days of the customary holiday (except in the case where (2) of this paragraph applies) a day of holiday in lieu thereof fixed

- (a) by agreement between the employer and the worker, or
- (b) where there is no such agreement, by the employer with not less than seven clear days' notice to the worker,

and the worker shall be paid for the day of holiday so allowed in lieu of the customary holiday not less than the amount to which he would have been entitled had he worked for the number of hours ordinarily worked by him on that day of the week; or

- (2) if there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday be so allowed, the worker shall be paid for the customary holiday in addition to the remuneration to which he is entitled in respect of that day as a day of annual holiday under Part II of this Schedule, not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS) WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE GIVEN A DAY OFF IN LIEU

10. Where a worker (other than a street newsvendor) works on a customary holiday his employer shall, except as provided in paragraph 11, allow him within 28 days of the customary holiday a day of holiday in lieu thereof, on a day (other than the weekly short day), fixed (a) by agreement between the employer and the worker, or (b) where there is no such agreement, by the employer with not less than 7 clear days' notice to the worker, and the worker shall be paid at the rate payable to him under the provisions of this Schedule other than paragraph 11 for all time worked on the customary holiday and for the day given in lieu of the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a day of holiday and had he worked the number of hours ordinarily worked by him on that day of the week.

WORKERS (OTHER THAN STREET NEWSVENDORS) WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE NOT GIVEN A DAY OFF IN LIEU

11. Where a worker (other than a street newsvendor) works on a customary holiday and there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday shall be allowed to the worker, he shall be paid for time worked on the customary holiday as follows:—
- (a) where the time worked does not exceed 4 hours double time for 4 hours
- (b) where the time worked exceeds 4 hours ... double time for all time worked.

GUARANTEED WEEKLY REMUNERATION PAYABLE TO A FULL-TIME WORKER

- 12.—(1) Notwithstanding the other provisions of this Schedule, where in respect of any week the total remuneration (including holiday remuneration but excluding any amount payable in respect of overtime for work on a weekly short day and any additional payment for work on a Sunday) payable to a full-time worker under those other provisions is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration with the addition of any amount and any additional payment excluded as aforesaid.

- (2) The guaranteed weekly remuneration payable in respect of any week to a full-time worker is the remuneration to which he would be entitled under paragraph 2 or 3 for 44 hours' work in his normal occupation:

Provided that—

- (i) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for

work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 13) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies :

- (ii) where in any week the worker at his request and with the written consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons employed in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday or during which he is absent from work in accordance with proviso (ii) to sub-paragraph (2) of this paragraph) is
- (a) capable of and available for work ; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.
- (5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid :

Provided that in respect of the week in which the said notice expires there shall be paid to the worker in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 13.—(1) Subject to the provisions of paragraph 12, the minimum remuneration specified in paragraphs 2 and 3 relates to a week of 44 hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purpose of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 7 (which relates to waiting time) be excluded.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

- 14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, an employer shall between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker (other than a street news vendor) in his employ-

ment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding 1st April in that year for any one of the periods of employment (calculated in accordance with the provisions of paragraph 21) set out in the first column of the table below, and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday where the worker's normal working week is—	
	6 days	5 days or less
12 months	12 days	10 days
Not less than 11 but less than 12 months	11 "	9 "
" " " 10 " " " 11 " " " "	10 "	8 "
" " " 9 " " " 10 " " " "	9 "	7 "
" " " 8 " " " 9 " " " "	8 "	7 "
" " " 7 " " " 8 " " " "	7 "	6 "
" " " 6 " " " 7 " " " "	6 "	5 "
" " " 5 " " " 6 " " " "	5 "	4 "
" " " 4 " " " 5 " " " "	4 "	3 "
" " " 3 " " " 4 " " " "	3 "	2 "
" " " 2 " " " 3 " " " "	2 "	2 "
" " " 1 " " " 2 " " " "	1 day	1 day

(2) Notwithstanding the provisions of the last foregoing sub-paragraph:—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

(b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;

(c) where a worker has, on 1st August in any year, been in the employment of the employer for not less than six months, the duration of his annual holiday in that year shall be not less than the number of days constituting his normal working week ;

(d) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.N.T. (30) between 1st April 1964, and the date on which the provisions of this Schedule become effective.

(3) In this Schedule the expression " holiday season " means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964, and in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.

15. Where at any time between 1st January in any year and the commencement of the holiday season in the same year an employer, at the written request of a worker, allows to the worker any day or days of holiday (other than customary holidays or holidays in lieu of customary holidays) and pays him for the day or days so allowed an amount not less than the remuneration to which he would be entitled if each such day were a day

of annual holiday allowed in the holiday season, then the duration of the annual holiday to be allowed to the worker under this Schedule in the holiday season in that year shall be reduced by the number of days of holiday so allowed before the commencement of the holiday season:

Provided that the annual holiday to be allowed to a worker in any one holiday season shall not be reduced in pursuance of this provision by more than six days.

- 16.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in three periods of consecutive working days; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a customary holiday on which the worker is not required to work for the employer, or a holiday in lieu of a customary holiday, or a day on which he does not normally work for the employer intervenes.
- (4) Where a customary holiday on which the worker is not required to work for the employer or a holiday in lieu of a customary holiday immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday or holiday in lieu of a customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season or after the holiday season in the circumstances specified in sub-paragraph (2)(b) of paragraph 14.
- (5) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959:

Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the said annual holiday shall be in addition to the said day of holiday or the said half-holiday.

17. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 18.—(1) Subject to the provisions of paragraph 19, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.
19. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 20 of this Schedule or with Order R.N.T. (30)) in respect of employment during any of the periods

referred to in that paragraph, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.N.T. (30).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

20. Where a worker (other than a street news vendor) ceases to be employed after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration:—

- (1) in respect of employment occurring in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where, during the period or periods in respect of which the said accrued holiday remuneration is payable, the worker—
 - (i) has at his written request been allowed any day or days of holiday (other than days of holiday allowed by the employer under paragraph 15) for which he had not qualified under the provisions of this Schedule, any accrued holiday remuneration payable as aforesaid may be reduced by the amount of any sum paid by the employer to the worker in respect of such day or days of holiday; or
 - (ii) has been allowed an annual holiday under (c) of sub-paragraph (2) of paragraph 14 of this Schedule or Order R.N.T. (30), any accrued holiday remuneration payable as aforesaid may be reduced by one day's holiday pay in respect of each day by which the said holiday exceeded the number of days of annual holiday to which he would have been entitled under the provisions of sub-paragraph (1) of the said paragraph 14 or Order R.N.T. (30);
- (c) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment without having given not less than one week's notice or before one week has expired from the beginning of such notice, the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph less an amount equal to the statutory minimum remuneration which would be payable to him at the termination date for one week's work if working his normal working week and the normal number of daily hours worked by him.

CALCULATION OF EMPLOYMENT

21. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration, the worker shall be treated as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer.

PART III

GENERAL

DEFINITIONS

22. For the purposes of this Schedule—

- “**CARRYING CAPACITY**” means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.
- “**CLEANER**” means, in paragraph 2, a worker engaged wholly or mainly in cleaning premises.
- “**CLERK GRADE I**” means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.
- “**CLERK GRADE II**” means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.
- “**CUSTOMARY HOLIDAY**” means Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation or if no such day is prescribed the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any other day proclaimed as an additional Bank Holiday or a general holiday, or where in any establishment it is not the custom or practice to observe such days as holidays, such other days, not fewer in number, as may be substituted by agreement between the employer or his representative and the worker or his representative.
- “**DELIVERY WORKER**” means a worker engaged wholly or mainly in the collection and delivery of newspapers, magazines or other periodicals.
- “**DOUBLE TIME**”, “**QUARTER TIME**”, “**TIME-AND-A-HALF**” and “**TIME-AND-A-QUARTER**” mean, respectively, twice, one quarter of, one and a half times and one and a quarter times the hourly rate obtained by dividing by 44 the minimum remuneration to which the worker is entitled under the provisions of paragraph 2 or paragraph 3.
- “**EVENING NEWSPAPERS SESSION**” means any part or parts of any one day in which a street news vendor is employed on the sale of one or more evening newspapers.
- “**FULL-TIME WORKER**” means a worker (other than a street news vendor) who normally works for the employer for at least 36 hours a week on work to which this Schedule applies.
- “**LONDON AREA**”, “**PROVINCIAL A AREA**”, “**PROVINCIAL B AREA**” have the meanings respectively assigned to them in paragraph 23.
- “**MONTH**” means the period commencing on a date of any number in one month and ending on the day before the date of the same number in the next month, or if the commencing date is the 29th, 30th or 31st day of a month and there is no date of the same number in the next month, then on the last day of that month.

“**MORNING NEWSPAPERS SESSION**” means any part or parts of any one day in which a street news vendor is employed on the sale of one or more morning newspapers.

“**NORMAL WORKING WEEK**” means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under (2) of paragraph 20 on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

- (i) part of a day shall count as a day;
- (ii) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“**ONE DAY'S HOLIDAY PAY**” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work for the same employer for which such remuneration is not payable, and in this definition “appropriate proportion” means—

where the worker's normal working week is six days ...	one-sixth
“ ” “ ” “ ” five “ ...	one-fifth
“ ” “ ” “ ” four “ ...	one-quarter
“ ” “ ” “ ” three “ ...	one-third
“ ” “ ” “ ” two “ ...	one-half
“ ” “ ” “ ” one day ...	the whole

“**SHOP MANAGER**”, “**SHOP MANAGERESS**” means a worker who is normally employed at, and is immediately in charge of the operation of, an undertaking or branch of an undertaking (but not of a department of an undertaking or branch) and who has immediate control of other workers, if any, employed at the undertaking or branch of the undertaking; and for the purpose of this definition, a worker shall not be deemed not to be immediately in charge of the operation of the undertaking or branch of the undertaking by reason only of being subject to the supervision of the employer or some person acting on his behalf, being in either case a person who is not normally wholly or mainly employed in the undertaking or branch of the undertaking.

“**SUNDAY NEWSPAPERS SESSION**” means any part or parts of any one day in which a street news vendor is employed on the sale of one or more Sunday newspapers.

“**TRANSPORT WORKER**” means a male worker engaged wholly or mainly in driving a mechanically propelled or horse drawn road vehicle for the transport of goods and on work in connection with the vehicle and its load (if any) while on the road.

“**WATCHMAN**” means a worker wholly or mainly engaged in guarding the employer's premises for the prevention of theft, fire, damage or trespass.

“**WEEK**” means pay week.

“WEEKLY SHORT DAY” means that day in any week on which a worker is, in accordance with the provisions of section 17 of the Shops Act 1950, required not to be employed about the business of a shop after half-past one o'clock in the afternoon, or, where there is no such day, a working day in the week fixed by the employer and notified to the worker not later than the Saturday preceding the week during which it is to have effect, or, failing such notification, the last working day in the week.

AREAS

23.—(1) In this Schedule:—

- (a) “LONDON AREA” means the Metropolitan Police District, as defined in the Police Act 1946(a), and the City of London.
- (b) “PROVINCIAL A AREA” means the areas administered by County Borough, Municipal Borough or Urban District Councils, except where they are included in the London area or are listed in (c) of this subparagraph.
- (c) “PROVINCIAL B AREA” means all areas not included in the London area administered by Rural District Councils, and the areas administered by the following Municipal Borough and Urban District Councils:—

ENGLAND (excluding Monmouthshire)

BEDFORDSHIRE	DEVONSHIRE	ESSEX
Amphill	Ashburton	Brightlingsea
Sandy	Axminster	Burnham-on-Crouch
	Buckfastleigh	Saffron Walden
BERKSHIRE	Budleigh Salterton	West Mersea
Wallingford	Crediton	Wivenhoe
Wantage	Dartmouth	
	Great Torrington	GLOUCESTERSHIRE
BUCKINGHAMSHIRE	Holsworthy	Nailsworth
Buckingham	Honiton	Tewkesbury
Linslade	Kingsbridge	
Marlow	Lynton	HEREFORDSHIRE
Newport Pagnell	Northam	Bromyard
	Okehampton	Kington
CHESHIRE	Ottery St. Mary	Ledbury
Alsager	Salcombe	
Longendale	Seaton	HERTFORDSHIRE
	South Molton	Baldock
CORNWALL	Tavistock	Chorleywood
Bodmin	Totnes	Royston
Bude Stratton		Sawbridgeworth
Fowey	DORSETSHIRE	Stevenage
Helston	Blandford Forum	
Launceston	Lyme Regis	HUNTINGDONSHIRE
Liskeard	Shaftesbury	Godmanchester
Looe	Sherborne	Huntingdon
Lostwithiel	Wareham	Ramsey
Padstow	Wimborne Minster	St. Ives
Penryn		St. Neots
St. Just	DURHAM	
Torpoint	Barnard Castle	KENT
	Tow Law	Lydd
DERBYSHIRE		New Romney
Bakewell	ELY, ISLE OF	Queenborough
Whaley Bridge	Chatteris	Sandwich
Wirksworth		Tenterden

ENGLAND (excluding Monmouthshire)—contd.

LANCASHIRE Carnforth Grange	OXFORDSHIRE Bicester Chipping Norton Thame Woodstock	SUFFOLK—contd. Leiston-cum-Sizewell Saxmundham Southwold Sudbury Stowmarket Woodbridge
LINCOLNSHIRE (Parts of Kesteven) Bourne	RUTLANDSHIRE Oakham	SUSSEX Arundel Burgess Hill Rye
LINCOLNSHIRE (Parts of Lindsey) Alford Barton-upon-Humber Brigg Horncastle Mablethorpe and Sutton Market Rasen Woodhall Spa	SHROPSHIRE Bishop's Castle Church Stretton Ellesmere Market Drayton Newport Wem	WESTMORLAND Appleby The Lakes
NORFOLK Cromer Diss Downham Market New Hunstanton North Walsham Sheringham Swaffham Thetford Wells Wymondham	SOMERSETSHIRE Chard Crewkerne Glastonbury Ilminster Portishead Shepton Mallet Street Watchet Wellington	WILTSHIRE Bradford-on-Avon Calne Malmesbury Marlborough Melksham Westbury Wilton
NORTHAMPTON- SHIRE Brackley Burton Latimer Higham Ferrers Oundle	SUFFOLK Aldeburgh Beccles Bungay Eye Hadleigh Halesworth Haverhill	WORCESTERSHIRE Bewdley Droitwich
NORTHUMBERLAND Alnwick Amble	YORKSHIRE Hedon Hornsea Malton Norton Pickering Richmond Tickhill Withernsea	

WALES AND MONMOUTHSHIRE

ANGLESEY Amlwch Beaumaris Llangefni Menai Bridge	CAERNARVONSHIRE —contd. Criccieth Llanfairfechan Penmaenmawr Portmadoc Pwllheli	CARMARTHENSHIRE Cwmamman Kidwelly Llandilo Llandovery Newcastle Emlyn
BRECKNOCKSHIRE Builth Wells Hay Llanwrtyd	CARDIGANSHIRE Aberayron Cardigan Lampeter New Quay	DENBIGHSHIRE Llangollen Llanrwst Ruthin
CAERNARVONSHIRE Bethesda Bettws-y-Coed		

WALES AND MONMOUTHSHIRE—contd.

FLINTSHIRE Buckley Mold	MONMOUTHSHIRE Caerleon Chepstow Usk	PEMBROKESHIRE Fishguard and Good- wick Narberth Neyland Tenby
GLAMORGANSHIRE Cowbridge	MONTGOMERYSHIRE Llanfyllin Llanidloes Machynlleth Montgomery Newtown and Llanllwchaiarn Welshpool	
MERIONETHSHIRE Bala Barmouth Dolgelly Towyn		RADNORSHIRE Knighton Llandrindod Wells Presteign

(2) Any reference in this paragraph to a local government area shall be construed as a reference to that area as it was on 8th April 1951.

WORKERS TO WHOM THIS SCHEDULE APPLIES

24.—(1) Subject to the provisions of paragraph 25 the workers to whom this Schedule applies are the following workers, being workers employed in England and Wales:—

- (a) street newsvendors ; and
- (b) workers employed in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged
 - (i) wholly or mainly in the retail newsagency, tobacco and confectionery trades ; or
 - (ii) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail newsagency, tobacco and confectionery trades than in any one of those groups :

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged), except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(2) For the purpose of this paragraph:—

- (a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades ;
- (b) an undertaking or branch or department of an undertaking which is engaged in any operations in a group of trades shall be treated as engaged in that group of trades.

25. This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say:—

- (1) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council ;
- (2) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Wages Council ;
- (3) workers employed on post office business ;

- (4) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners);
 - (5) workers employed in any ship (which includes every description of vessel used in navigation);
 - (6) workers employed as watchmen;
 - (7) workers employed as delivery workers for not more than 2 hours per day and for not more than 12 hours per week.
26. For the purpose of this Schedule the retail newsagency, tobacco and confectionery trades consist of:—
- (1) the sale by retail of the following articles—
 - (a) newspapers, magazines and other periodicals;
 - (b) tobacco, cigars, cigarettes, snuff and smokers' requisites;
 - (c) articles of sugar confectionery and chocolate confectionery and ice-cream;
 - (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
 - (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
 - (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
 - (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

APPENDIX TO PARAGRAPH 24

GROUPS OF RETAIL DISTRIBUTIVE TRADES

Group 1.—The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including:—

- (i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail;
- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above; and
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above;

but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

Group 2.—The Retail Furnishing and Allied Trades, that is to say:—

(1) the sale by retail of the following articles:—

- (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures ;
 - (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements ;
 - (c) hand tools ;
 - (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments ;
 - (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof ;
 - (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof ;
 - (g) radio and television sets and their accessories and component parts ;
 - (h) pedal cycles and their accessories and component parts ;
 - (i) perambulators, push chairs and invalid carriages ;
 - (j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing ;
 - (k) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods ;
 - (l) paint, distemper and wallpaper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils) ;
 - (m) brushes, mops and brooms, used for household purposes, and similar articles ;
 - (n) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes ;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

Group 3.—The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

- (1) the sale by retail of the following articles:—

- (a) wearing apparel of all kinds (including footwear, headwear and handwear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery) ;
- (b) haberdashery ;
- (c) textile fabrics in the piece, leather cloth, plastic cloth and oilcloth (but not including carpets, linoleum and other kinds of floor covering) ;
- (d) knitting, rug, embroidery, crochet and similar wools or yarns ;
- (e) made-up household textiles (but excluding mattresses and floor coverings) ;
- (f) umbrellas, sunshades, walking sticks, canes and similar articles ;
- (g) ladies' handbags ;

- (2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in conjunction with such sale ;

- (3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;

- (4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and

- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above ;

and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

Group 4.—The Retail Bookselling and Stationery Trades, that is to say:—

- (1) the sale by retail of the following articles:—

- (a) books (excluding printed music and periodicals) ;
- (b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record ;
- (c) pens, pencils, ink, blotting paper and similar articles ;
- (d) maps and charts ;
- (e) wrapping and adhesive paper, string, paste and similar articles ;

- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 21st September 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration fixed and holidays provided for by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) Order 1962 (Order R.N.T. (30)) as amended by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (England and Wales) (Amendment) Order 1964 (Order R.N.T. (32)), which Orders are revoked.

New provisions are printed in italics.

1964 No. 1314

WAGES COUNCILS

The Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1964*Made - - - - 13th August 1964**Coming into Operation 14th September 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Retail Newsagency, Tobacco and Confectionery Trades Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 14th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1962(c), shall cease to have effect.

Dated 13th August 1964.

Joseph Godber,
Minister of Labour.

ARRANGEMENT OF SCHEDULE

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SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1962(a) (hereinafter referred to as "Order R.N.T.S. (26)").

PART I

STATUTORY MINIMUM REMUNERATION

APPLICATION

1. Subject to the provisions of paragraphs 4, 5, 10 and 11, the minimum remuneration payable to workers to whom this Schedule applies shall be the remuneration set out in paragraphs 2 and 3:

Provided that any increase in remuneration payable under the provisions of paragraph 2 or 3 shall become effective on the first day of the first full pay week following the date upon which the increase would otherwise become payable under those provisions.

MANAGERS AND MANAGERESSES

2. Subject to the provisions of this paragraph and of paragraph 1, the minimum remuneration payable to managers and manageresses shall be:—

- (1) in the case of a worker aged 20 years or over, the minimum remuneration payable in accordance with the provisions of (B) of paragraph 3 to a worker of the same age and sex employed in the same area; or
- (2) in the case of a worker aged less than 20 years, the minimum remuneration payable in accordance with the provisions of (B) of paragraph 3 to a worker of the same sex aged 20 years and employed in the same area;

with the addition in either case of the amounts specified in the following table:—

Where the number of staff (exclusive of the manager or manageress) normally employed under his or her direct control is:	Addition
One or none	14s. per week
Two	21s. per week
Three or more	28s. per week

In computing the number of staff normally employed for the purpose of the foregoing table both full-time workers and workers other than full-time workers shall be included except that in the case of workers other than full-time workers the number to be counted shall be the number disregarding fractions obtained by dividing by 36 the aggregate of the hours normally worked in the week by all such workers.

WORKERS OTHER THAN MANAGERS AND MANAGERESSES

3. Subject to the provisions of paragraph 1, the minimum remuneration payable to male or female workers (other than managers or manageresses) employed in Area 1 or Area 2, as the case may be, shall be the appropriate amount set out in the following tables:—

	Male Workers		Female Workers	
	Area 1 per week	Area 2 per week	Area 1 per week	Area 2 per week
	s. d.	s. d.	s. d.	s. d.
(A) Clerks Grade I aged 23 years or over ...	180 6	173 6	131 0	125 0
(B) Clerks Grade I under 23 years of age, Clerks Grade II, Shop Assistants, Central Warehouse workers, and all other workers (except the workers referred to in (C) below) aged:—				
22 years or over	174 6	167 6	127 6	121 6
21 and under 22 years	158 6	151 6	110 0	106 0
20 " " 21 " "	129 0	123 0	96 6	92 6
19 " " 20 " "	118 0	113 0	92 6	87 6
18 " " 19 " "	108 0	103 0	89 0	83 0
17 " " 18 " "	88 6	83 6	78 6	73 6
16 " " 17 " "	81 6	76 6	70 6	65 6
15 " " 16 " "	74 0	70 0	67 0	62 0

(C) Transport workers

Age of transport worker	Type of Vehicle		Area 1 per week	Area 2 per week
	Mechanically propelled vehicle with carrying capacity of	Horse drawn vehicle		
21 years or over	1 ton or less	One-horse	s. d.	s. d.
20 and under 21 years			177 6	168 6
19 " " 20 " "			145 0	139 0
18 " " 19 " "			133 6	127 6
Under 18 years " "			123 0	117 0
All ages... ..	Over 1 ton and up to 2 tons	Two-horse	180 6	171 6
	Over 2 tons and up to 5 tons	—	180 6	171 6
	Over 5 tons	—	184 6	175 6

MINIMUM OVERTIME RATES

4.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph overtime shall be payable at the following minimum rates:—

- (a) On a Sunday, not being the weekly rest day—
for all time worked time-and-a-quarter
- (b) On the weekly rest day not being a customary holiday—
for all time worked double time
- (c) In any week, exclusive of any time
- in respect of which a minimum overtime rate is payable under (b) of this sub-paragraph,
 - in respect of which a special time rate is payable under the provisions of paragraph 5, or
 - worked on a customary holiday in the circumstances specified in paragraph 9—

for the first 4 hours worked in excess of
44 hours hourly rate
thereafter time-and-a-half

Provided that in any week which includes a day taken by the worker as a customary holiday or as a holiday in lieu thereof the period of 44 hours shall be reduced by 8 hours and, in any week which includes two days taken either as customary holidays or holidays in lieu thereof, by 16 hours.

(2) Overtime rates in accordance with the foregoing provisions of this paragraph shall be payable to managers and manageresses only if the overtime worked is specifically authorised in writing by the employer or his representative.

SPECIAL TIME

5. The following special time rate is payable to a worker who is a shop assistant within the meaning of the Shops Act 1950(a), where, under sub-section (3) of section 40 of that Act, the employer is relieved of his obligation to allow the worker a weekly half-day:—

for all time worked after 1.30 p.m. on the worker's
weekly half-day double time

WAITING TIME

6. A worker shall be entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say:—
- (1) without the employer's consent, express or implied ;
 - (2) for some purpose unconnected with his work, and other than that of waiting for work to be given to him to perform ;
 - (3) by reason only of the fact that he is resident thereon ; or
 - (4) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

WORKERS WHO ARE NOT REQUIRED TO WORK ON A CUSTOMARY HOLIDAY

- 7.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, where a worker is not required to work on a customary holiday he shall be paid for the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week.
- (2) Where the customary holiday is a day which has been allowed to a worker and taken by him as a day of annual holiday under the provisions of Part II of this Schedule or where the customary holiday falls upon his weekly rest day—
- (a) the worker shall be allowed within 28 days of the customary holiday, except in the case where (b) of this sub-paragraph applies, a day of holiday in lieu thereof fixed—
 - (i) by agreement between the employer and the worker ; or
 - (ii) failing such agreement, by the employer with a minimum of seven clear days' notice to the worker ;
 and the worker shall be paid for the holiday so allowed in lieu of the customary holiday not less than the amount to which he would have been entitled had he worked for the number of hours ordinarily worked by him on that day of the week ; or
 - (b) if there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday be so allowed, the worker shall be paid for the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had the day not been a customary holiday and had he worked the number of hours ordinarily worked by him on that day of the week :

Provided that where the customary holiday is a day which has been allowed to and taken by the worker as a day of annual holiday, such payment shall be in addition to the remuneration to which he is entitled in respect of that day as a day of annual holiday under Part II of this Schedule.

WORKERS WHO WORK ON A CUSTOMARY HOLIDAY AND WHO ARE GIVEN A DAY OFF IN LIEU

8. Where a worker works on a customary holiday his employer shall, except as provided in paragraph 9, allow him within 28 days of the customary holiday a day of holiday in lieu thereof on a day other than the weekly rest day or weekly half-day fixed (a) by agreement between the employer and the worker, or (b) failing such agreement, by the employer with a minimum of 7 clear days' notice to the worker, and the worker shall be paid at the rate payable to him under the provisions of this Schedule other than paragraph 9 for all time worked on the customary holiday and for the day given in lieu of the customary holiday not less than the amount to which he would have been entitled under the provisions of this Schedule had he worked the number of hours ordinarily worked by him on that day of the week.

**WORKERS WHO WORK ON A CUSTOMARY HOLIDAY AND
WHO ARE NOT GIVEN A DAY OFF IN LIEU**

9. Where a worker works on a customary holiday and there is an agreement between the employer and the worker that no day of holiday in lieu of the customary holiday shall be allowed to the worker, he shall be paid for all time worked on the customary holiday:—

- (1) where the time worked does not exceed 3 hours double time for 3 hours
(2) where the time worked exceeds 3 hours double time for all time worked

Provided that where a customary holiday falls upon the worker's weekly rest day the worker shall be paid in addition to the amount payable under this paragraph the amount to which he would be entitled for work performed on a weekly rest day under paragraph 4 (1) (b).

**GUARANTEED WEEKLY REMUNERATION PAYABLE TO A
FULL-TIME WORKER**

- 10.—(1) Notwithstanding the other provisions of this Schedule, where in any week the total remuneration (including holiday remuneration) payable to a full-time worker under those other provisions is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall be that guaranteed weekly remuneration.

- (2) The guaranteed weekly remuneration is the remuneration to which he would be entitled under paragraph 2 or paragraph 3 for 44 hours' work in his normal occupation:

Provided that—

- (a) where the worker normally works for the employer on work to which this Schedule applies for less than 44 hours in the week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week, and the worker has informed his employer in writing that he does not so hold himself out, the guaranteed weekly remuneration shall be the remuneration to which the worker would be entitled (calculated as in paragraph 11) for the number of hours in the week normally worked by the worker for the employer on work to which this Schedule applies;
- (b) where in any week a worker at his request and with the consent of his employer is absent from work during any part of his normal working hours on any day (other than a holiday allowed under Part II of this Schedule or a customary holiday or a holiday allowed to all persons in the undertaking or branch of an undertaking in which the worker is employed), the guaranteed weekly remuneration payable in respect of that week shall be reduced in respect of each day on which he is absent as aforesaid by one-sixth where the worker's normal working week is six days or by one-fifth where his normal working week is five days.
- (3) Guaranteed weekly remuneration is not payable in respect of any week unless the worker throughout his normal working hours in that week (excluding any time allowed to him as a holiday) is
- (a) capable of and available for work; and
- (b) willing to perform such duties outside his normal occupation as the employer may reasonably require if his normal work is not available in the establishment in which he is employed.
- (4) Guaranteed weekly remuneration is not payable in respect of any week if the worker's employment is terminated before the end of that week.

- (5) If the employer is unable to provide the worker with work by reason of a strike or other circumstances beyond his control and gives the worker four clear days' notice to that effect, guaranteed weekly remuneration shall not be payable after the expiry of such notice in respect of any week during which or during part of which the employer continues to be unable to provide work as aforesaid:

Provided that in respect of the week in which the said notice expires there shall be paid to the worker, in addition to any remuneration payable in respect of time worked in that week, any remuneration that would have been payable if the worker had worked his normal hours of work on every day in the week prior to the expiry of the notice.

HOURS ON WHICH REMUNERATION IS BASED

- 11.—(1) Subject to the provisions of paragraph 10, the minimum remuneration specified in this Part of this Schedule relates to a week of 44 hours exclusive of overtime and is subject to a proportionate reduction according as the number of hours worked is less than 44.
- (2) In calculating the remuneration for the purposes of this Schedule recognised breaks for meal times shall, subject to the provisions of paragraph 6 (which relates to waiting time), be excluded.

PART II

ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

ANNUAL HOLIDAY

- 12.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph an employer shall, between the date on which the provisions of this Schedule become effective and 31st October 1964, and in each succeeding year between 1st April and 31st October, allow a holiday (in this Schedule referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 18) set out in the first column of the table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment										Duration of Annual Holiday
12 months ...	...	...	...	...	...	...	...	...	...	12 days
Not less than 10 months but less than 12 months	...	...	...	...	...	...	...	...	...	11 "
" " " 9 " " " " " 10 "	"	"	"	"	"	"	"	"	"	10 "
" " " 8 " " " " " 9 "	"	"	"	"	"	"	"	"	"	9 "
" " " 7 " " " " " 8 "	"	"	"	"	"	"	"	"	"	8 "
" " " 6 " " " " " 7 "	"	"	"	"	"	"	"	"	"	7 "
" " " 5 " " " " " 6 "	"	"	"	"	"	"	"	"	"	6 "
" " " 4 " " " " " 5 "	"	"	"	"	"	"	"	"	"	5 "
" " " 3 " " " " " 4 "	"	"	"	"	"	"	"	"	"	4 "
" " " 2 " " " " " 3 "	"	"	"	"	"	"	"	"	"	3 "
" " " 1 month " " " " 2 "	"	"	"	"	"	"	"	"	"	2 "
" " " " " " " " " " " " 1 day	"	"	"	"	"	"	"	"	"	1 day

- (2) Notwithstanding the provisions of the last foregoing sub-paragraph:—
- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

- (b) where a worker does not wish to take his annual holiday or part thereof during the holiday season in any year and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed, at a date or dates to be specified in that agreement, after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the holiday season ;
- (c) the duration of the worker's annual holiday during the holiday season ending on 31st October 1964 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R.N.T.S. (26), between 1st April 1964 and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression " holiday season " means in relation to the year 1964 the period commencing on 1st April 1964, and ending on 31st October 1964 and, in each succeeding year, the period commencing on 1st April and ending on 31st October of the same year.
- 13.—(1) Subject to the provisions of this paragraph, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days ; so, however, that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) Where a customary holiday on which the worker is not required to work for the employer immediately precedes a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any customary holiday, exceeds the number of days constituting the worker's normal working week, then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on a day on which the worker normally works for the employer (not being the worker's weekly short day) in the holiday season (or after the holiday season in the circumstances specified in sub-paragraph (2) (b) of paragraph 12).
- (4) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959:
- Provided that where the total number of days of annual holiday allowed to a worker under this Schedule is less than the number of days in his normal working week, the annual holiday allowed shall be in addition to the said day of holiday or the said half-holiday.
14. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

REMUNERATION FOR ANNUAL HOLIDAY

- 15.—(1) Subject to the provisions of paragraph 16, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay-day preceding such holiday, one day's holiday pay in respect of each day thereof.
- (2) Where an annual holiday is taken in more than one period the holiday remuneration shall be apportioned accordingly.

16. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 17 of this Schedule or with Order R.N.T.S. (26)), in respect of employment during either or both of the periods referred to in paragraph 17, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period or periods shall be reduced by the amount of the said accrued holiday remuneration, unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R.N.T.S. (26).

ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

17. Where a worker ceases to be employed after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment (hereinafter referred to as the "termination date"), pay to the worker as accrued holiday remuneration :—

- (1) in respect of employment occurring in the 12 months up to 1st April immediately preceding the termination date, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment ; and
- (2) in respect of any employment since 1st April immediately preceding the termination date, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it :

Provided that no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal.

CALCULATION OF EMPLOYMENT

18. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated :—

- (1) as if he were employed for a month in respect of any month throughout which he has been in the employment of the employer and in which—
 - (a) he has worked for the employer for not less than 72 hours and has performed some work for which statutory minimum remuneration is payable ; or
 - (b) he has worked for the employer for less than 72 hours, or has performed no work, solely by reason of the proved illness of or accident to the worker (provided that the number of months which may be treated as months of employment for such reasons shall not exceed two in any such period as aforesaid) ;

- (2) as if he were employed on any day of annual holiday allowed under the provisions of this Schedule and, for the purpose of the provisions of (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer for the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

PART III GENERAL DEFINITIONS

19. For the purposes of this Schedule :—

"AREA 1" and "AREA 2" have the meanings respectively assigned to them in paragraph 20.

- "CARRYING CAPACITY"** means the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.
- "CENTRAL WAREHOUSE WORKER"** means a worker wholly or mainly employed in a central warehouse, that is to say, a warehouse from which an undertaking in the retail newsagency, tobacco and confectionery trades supplies its branch shops.
- "CLERK GRADE I"** means a worker engaged wholly or mainly on clerical work which includes responsibility for maintaining ledgers or wages books or for preparing financial accounts of the undertaking or of a branch or department thereof.
- "CLERK GRADE II"** means a worker, other than a Clerk Grade I, engaged wholly or mainly on clerical work.
- "CUSTOMARY HOLIDAY"** means New Year's Day (or, if New Year's day falls on a Sunday, the following day), the local Spring holiday, the local Autumn holiday and three other days, observed by local custom as holidays, to be fixed by the employer and notified to the worker.
- "FULL-TIME WORKER"** means a worker who normally works for the employer for at least 36 hours a week on work to which this Schedule applies.
- "HOURLY RATE"** means the rate obtained by dividing by 44 the minimum remuneration to which the worker is entitled under paragraph 2 or 3, and **"TIME-AND-A-QUARTER"**, **"TIME-AND-A-HALF"** and **"DOUBLE TIME"** mean, respectively, one and a quarter times, one and a half times and twice that rate.
- "MANAGER"**, **"MANAGERESS"** means a worker who is in charge of a shop, kiosk or department and who (notwithstanding occasional supervisory visits) is responsible to the employer for all or any of the following: (i) the custody of cash and stock; (ii) the control of staff (if any); (iii) the conduct of the business of the shop, kiosk or department.
- "MONTH"** means "calendar month".
- "NORMAL WORKING WEEK"** means the number of days on which it has been usual for the worker to work in a week while in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season, or, where accrued holiday remuneration is payable under paragraph 17 on the termination of the employment, during the 12 months immediately preceding the termination date:
Provided that—
- (i) part of a day shall count as a day;
 - (ii) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.
- "ONE DAY'S HOLIDAY PAY"** means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for work for which statutory minimum remuneration is payable and at the same rate for any work

WORKERS TO WHOM THIS SCHEDULE APPLIES

21.—(A) (1) Subject to the provisions of sub-paragraph (B) of this paragraph the workers to whom this Schedule applies are the following workers, being workers employed in Scotland :—

- (a) street newsvendors ; and
- (b) workers employed in any undertaking or any branch or department of an undertaking, being an undertaking, branch or department engaged—
 - (i) wholly or mainly in the retail newsagency, tobacco and confectionery trades ; or
 - (ii) wholly or mainly in those trades and one or more of the groups of retail distributive trades set out in the Appendix hereto, and to a greater extent in the retail newsagency, tobacco and confectionery trades than in any one of those groups.

Provided that if a branch or department of an undertaking is not so engaged this Schedule shall not apply to workers employed in that branch or department (notwithstanding that the undertaking as a whole is so engaged) except in the case of workers as respects their employment in a department of that branch if that department is so engaged.

(2) For the purpose of this sub-paragraph :—

- (a) in determining the extent to which an undertaking or branch or department of an undertaking is engaged in a group of trades regard shall be had to the time spent in the undertaking, branch or department on work in that group of trades ;
- (b) an undertaking or branch or department of an undertaking which is engaged in any operation in a group of trades shall be treated as engaged in that group of trades.

(B) This Schedule does not apply to any of the following workers in respect of their employment in any of the following circumstances, that is to say :—

- (1) workers in relation to whom any Wages Council (which was immediately before 30th May 1959 a Wages Board established under the Catering Wages Act 1943(a)) operates in respect of any employment which is for the time being within the field of operation of that Wages Council ;
- (2) workers in relation to whom the Road Haulage Wages Council operates in respect of any employment which is within the field of operation of that Council ;
- (3) workers employed on post office business ;
- (4) workers employed on the maintenance or repair of buildings, plant, equipment or vehicles (but not including workers employed as cleaners) ;
- (5) workers employed in any ship (which includes every description of vessel used in navigation).

(C) For the purpose of this Schedule the retail newsagency, tobacco and confectionery trades consist of :—

- (1) the sale by retail of the following articles :—
 - (a) newspapers, magazines and other periodicals ;
 - (b) tobacco, cigars, cigarettes, snuff and smokers' requisites ;
 - (c) articles of sugar confectionery and chocolate confectionery and ice-cream ;

- (2) operations in or about the shop or other place where any of the articles specified in (1) of this sub-paragraph are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) of this sub-paragraph for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail ;
- (4) operations in connection with the transport of any of the articles specified in (1) of this sub-paragraph when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) of this sub-paragraph ; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) of this sub-paragraph and relating to such sale or to any of the operations specified in (2) to (4) of this sub-paragraph.

APPENDIX TO PARAGRAPH 21

GROUPS OF RETAIL DISTRIBUTIVE TRADES

GROUP 1. The Retail Food Trades, that is to say, the sale by retail of food or drink for human consumption and operations connected therewith including :—

- (i) operations in or about the shop or other place where the food or drink aforesaid is sold, being operations carried on for the purpose of such sale or otherwise in connection with such sale ;
- (ii) operations in connection with the warehousing or storing of such food or drink for the purpose of sale by retail or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where such food or drink is sold by retail ;
- (iii) operations in connection with the transport of such food or drink when carried on in conjunction with its sale by retail or with the warehousing or storing operations specified in (ii) above ; and
- (iv) clerical or other office work carried on in conjunction with the sale by retail aforesaid and relating to such sale or to any of the operations in (i) to (iii) above ;

but excluding

the sale by retail of bread, pastry or flour confectionery (other than biscuits or meat pastries) or the sale by retail of meat (other than bacon, ham, pressed beef, sausages, or meat so treated as to be fit for human consumption without further preparation or cooking) or the sale by retail of milk (other than dried or condensed milk) or the sale by retail of ice-cream, aerated waters, chocolate confectionery or sugar confectionery, or the sale of food or drink for immediate consumption.

For the purpose of this definition "sale by retail" includes any sale of food or drink to a person for use in connection with a catering business carried on by him, when such sale takes place at or in connection with a shop engaged in the retail sale of food or drink to the general public.

GROUP 2. The Retail Furnishing and Allied Trades, that is to say:—**(1) the sale by retail of the following articles:—**

- (a) household and office furniture, including garden furniture, mattresses, floor coverings and mirrors, but excluding billiard tables, clocks, pianos, gramophones and pictures;
- (b) ironmongery, turnery and hardware, of kinds commonly used for household purposes, including gardening implements;
- (c) hand tools;
- (d) woodware, basketware, glassware, potteryware, chinaware, brassware, plasticware and ceramic goods, being articles or goods of kinds commonly used for household purposes or as household ornaments;
- (e) electrical and gas appliances and apparatus, of kinds commonly used for household purposes (excluding clocks), and accessories and component parts thereof;
- (f) heating, lighting and cooking appliances and apparatus, of kinds commonly used for household purposes, and accessories and component parts thereof;
- (g) radio and television sets and their accessories and component parts;
- (h) pedal cycles and their accessories and component parts;
- (i) perambulators, push chairs and invalid carriages;
- (j) toys, indoor games, requisites for outdoor games, gymnastics and athletics, but excluding billiard tables and sports clothing;
- (k) saddlery, leather goods (other than articles of wearing apparel and ladies' handbags) and travel goods;
- (l) paint, distemper and wall paper, and oils of kinds commonly used for household purposes (excluding petrol and lubricating oils);
- (m) brushes, mops and brooms, used for household purposes, and similar articles;
- (n) disinfectants, chemicals, candles, soaps and polishes, of kinds commonly used for household purposes;

- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;

and for the purpose of this definition the sale by retail of any of the articles specified in (1) above does not include sale by auction (except where the auctioneer sells articles by retail which are his property or the property of his master) but includes the sale of any of the articles therein specified to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the said articles.

GROUP 3. The Retail Drapery, Outfitting and Footwear Trades, that is to say:—

- (1) the sale by retail of the following articles:—
- (a) wearing apparel of all kinds (including footwear, headwear and hand-wear) and accessories, trimmings and adornments for wearing apparel (excluding jewellery and imitation jewellery);
 - (b) haberdashery;
 - (c) textile fabrics in the piece, leather cloth, plastic cloth and oil cloth (but not including carpets, linoleum and other kinds of floor covering);
 - (d) knitting, rug, embroidery, crochet and similar wools or yarns;
 - (e) made-up household textiles (but excluding mattresses and floor coverings);
 - (f) umbrellas, sunshades, walking sticks, canes and similar articles;
 - (g) ladies' handbags;
- (2) operations in or about the shop or other place where any of the articles included in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in conjunction with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles included in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles included in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and
- (5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles included in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above;
- and for the purpose of this definition the sale by retail of any of the articles in (1) above includes the sale of that article to a person for use in connection with a trade or business carried on by him if such sale takes place at or in connection with a shop engaged in the retail sale to the general public of any of the articles included in (1) above.

GROUP 4. The Retail Bookselling and Stationery Trades, that is to say:—

- (1) the sale by retail of the following articles:—
- (a) books (excluding printed music and periodicals);
 - (b) all kinds of stationery including printed forms, note books, diaries and similar articles, and books of kinds used in an office or business for the purpose of record;
 - (c) pens, pencils, ink, blotting paper and similar articles;
 - (d) maps and charts;
 - (e) wrapping and adhesive paper, string, paste and similar articles;
- (2) operations in or about the shop or other place where any of the articles specified in (1) above are sold by retail, being operations carried on for the purpose of such sale or otherwise in connection with such sale;
- (3) operations in connection with the warehousing or storing of any of the articles specified in (1) above for the purpose of the sale thereof by retail, or otherwise in connection with such sale, where the warehousing or storing takes place at a warehouse or store carried on in conjunction with one or more shops or other places where the said articles are sold by retail;
- (4) operations in connection with the transport of any of the articles specified in (1) above when carried on in conjunction with their sale by retail or with the warehousing or storing operations specified in (3) above; and

(5) clerical or other office work carried on in conjunction with the sale by retail of any of the articles specified in (1) above and relating to such sale or to any of the operations specified in (2) to (4) above.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 14th September 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration fixed, and the holidays provided for, by the Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (Scotland) Order 1962 (Order R.N.T.S. (26)), which is revoked.

New provisions are printed in italics.

1964 No. 1321

SHOPS AND OFFICES

**The Offices and Shops in Factories (First Aid)
Regulations 1964**

Made - - - - 17th August 1964
Laid before Parliament 24th August 1964
Coming into Operation 1st December 1964

The Minister of Labour—

(a) by virtue of the powers conferred on him by section 25 of the Offices, Shops and Railway Premises Act 1963(a) (hereafter in these Regulations referred to as "the Act of 1963") and of all other powers enabling him in that behalf; and

(b) after publishing, pursuant to Schedule 1 to the Act of 1963, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

1.—(1) These Regulations may be cited as the Offices and Shops in Factories (First Aid) Regulations 1964 and shall come into operation on 1st December 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. Premises to which the Act of 1963 applies which are not, for the purposes of the Factories Act 1961(c) (hereafter in these Regulations referred to as "the Act of 1961"), a factory but which, but for the operation of section 175(6) of the Act of 1961, would, for the purposes of the Act of 1961, form part of a factory—

(a) shall be excepted from the operation of section 24 (which contains general provisions relating to first aid) of the Act of 1963; and

(b) shall, notwithstanding the said subsection (6), be deemed for the purposes of section 61 (first aid) of the Act of 1961 to form part of the factory of which, but for that subsection, they would, for the purposes of that Act, form part.

3. For the purposes of the application to a factory of subsection (4) of the said section 61 (which, amongst other things, requires that the person under whose charge is placed a first-aid box or cupboard provided in a factory in pursuance of that section must, where more than fifty or other a lower prescribed number of persons are employed, be trained in first-aid treatment), persons employed to work in premises which, by virtue of these Regulations, are deemed, for the purposes of that section, to form

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

(c) 9 & 10 Eliz. 2, c. 34.

part of the factory shall be taken into account to a number less than the full number thereof, that is to say, of the persons employed to work at any one time in any such premises as aforesaid—

- (a) of every unit of 3 persons, 1 person shall be taken into account ; and
- (b) of any fraction of a unit of 3 persons, where the fraction consists of 2 persons 1 person shall be taken into account and where the fraction consists of 1 person that person shall be left out of account.

Dated 17th August 1964.

Joseph Godber,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide that premises to which the Offices, Shops and Railway Premises Act 1963 applies which are in factories shall be excepted from the requirements of section 24 of the said Act of 1963 (which relates to the provision of first-aid boxes or cupboards and the qualifications in certain cases of the persons in charge of them) and shall be deemed to be part of the factories for the purposes of section 61 of the Factories Act 1961 (which contains similar requirements as to first aid but differing in detail).

The Regulations also provide that, in reckoning the number of employees in such premises to which the Act of 1963 applies for the purpose of ascertaining whether the person in charge of a first-aid box or cupboard must be trained in first-aid treatment, only one in three shall be taken into account.

1964 No. 1322

SHOPS AND OFFICES**The Offices at Building Operations &c. (First Aid) Regulations 1964**

<i>Made</i> - - - -	17th August 1964
<i>Laid before Parliament</i>	24th August 1964
<i>Coming into Operation</i>	1st December 1964

The Minister of Labour—

(a) by virtue of the powers conferred on him by section 26 of the Offices, Shops and Railway Premises Act 1963^(a) (hereafter in these Regulations referred to as "the Act of 1963") and of all other powers enabling him in that behalf; and

(b) after publishing, pursuant to Schedule 1 to the Act of 1963, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

1.—(1) These Regulations may be cited as the Offices at Building Operations &c. (First Aid) Regulations 1964 and shall come into operation on 1st December 1964.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. These Regulations shall apply to office premises to which the Act of 1963 applies, being premises erected—

(a) at, or adjacent to, a place where there are carried on operations to which section 127(1) (building operations and works of engineering construction) of the Factories Act 1961^(c) (hereafter in these Regulations referred to as "the Act of 1961") applies or works to which that section applies; and

(b) for the purpose of, or in connection with, the operations or works.

3. Office premises to which these Regulations apply—

(a) shall be excepted from the operation of section 24 (which contains general provisions relating to first aid) of the Act of 1963; and

(b) shall be deemed, for the purposes of any regulation as to first aid made by virtue of section 127(2) of the Act of 1961 which is applicable to the place where there are carried on the operations or works for the purpose of which, or in connection with which, the premises were erected, to form part of that place.

Dated 17th August 1964.

Joseph Godber,
Minister of Labour.

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

(c) 9 & 10 Eliz. 2. c. 34.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide that office premises erected at, or adjacent to, a place where building operations or works of engineering construction are carried on and for the purpose of, or in connection with, the operations or works—

- (a) shall be excepted from the operation of section 24 (which contains general provisions relating to first aid) of the Offices, Shops and Railway Premises Act 1963 ; and
- (b) shall be deemed, for the purposes of any regulation as to first aid made by virtue of section 127(2) of the Factories Act 1961, to form part of the place where the operations or works are carried on.

1964 No. 1323
SHOPS AND OFFICES
**The Offices in Electrical Stations (First Aid)
Regulations 1964**

<i>Made - - - -</i>	<i>17th August 1964</i>
<i>Laid before Parliament</i>	<i>24th August 1964</i>
<i>Coming into Operation</i>	<i>1st December 1964</i>

The Minister of Labour—

(a) by virtue of the powers conferred on him by section 74(2) and (3) of the Offices, Shops and Railway Premises Act 1963^(a) (hereafter in these Regulations referred to as “the Act of 1963”) and of all other powers enabling him in that behalf; and

(b) after publishing, pursuant to Schedule 1 to the Act of 1963, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

1.—(1) These Regulations may be cited as the Offices in Electrical Stations (First Aid) Regulations 1964 and shall come into operation on 1st December 1964.

(2) The Interpretation Act 1889^(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. These Regulations shall apply to office premises to which the Act of 1963 applies, being premises which, but for the operation of section 74(1) (which, for the purposes of section 123(1) (application of Act to electrical stations) of the Factories Act 1961^(c), excludes from electrical stations office premises comprised therein) of the Act of 1963, would, for the purposes of the said section 123(1) form part of premises to which the said section 123(1) applies.

3. Office premises to which these Regulations apply—

(a) shall be excepted from the operation of section 24 (which contains general provisions relating to first aid) of the Act of 1963; and

(b) shall, notwithstanding the said section 74(1), be deemed for the purposes of section 61 (first aid) of the Factories Act 1961 to form part of the premises of which, but for the said section 74(1), they would, for the purposes of the said section 123(1), form part.

4. For the purposes of the application to premises to which the said section 123(1) applies of subsection (4) of the said section 61 (which, amongst other things, requires that the person under whose charge is placed a first-aid box or cupboard provided in a factory in pursuance of that section must, where more than fifty or other a lower prescribed number of persons are employed, be trained in first-aid treatment), persons employed to work in office premises which, by virtue of these Regulations, are deemed for the

(a) 1963 c. 41.

(b) 52 & 53 Vict. c. 63.

(c) 9 & 10 Eliz. 2. c. 34.

purposes of the said section 61 to form part of the first-mentioned premises shall be taken into account to a number less than the full number thereof, that is to say, of the persons employed to work at any one time in any such office premises as aforesaid—

- (a) of every unit of 3 persons, 1 person shall be taken into account ; and
- (b) of any fraction of a unit of 3 persons, where the fraction consists of 2 persons 1 person shall be taken into account and where the fraction consists of 1 person that person shall be left out of account.

Dated 17th August 1964.

Joseph Godber,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide that office premises which are in electrical stations shall be excepted from the requirements of section 24 of the Offices, Shops and Railway Premises Act 1963 (which relates to the provision of first-aid boxes or cupboards and the qualifications in certain cases of the persons in charge of them) and shall be deemed to be part of the electrical stations for the purposes of section 61 of the Factories Act 1961 (which contains similar requirements as to first aid but differing in detail).

The Regulations also provide that, in reckoning the number of employees in such office premises for the purpose of ascertaining whether the person in charge of a first-aid box or cupboard must be trained in first-aid treatment, only one in three shall be taken into account.

1964 No. 1326

WAGES COUNCILS

The Wages Regulation (Made-up Textiles) Order 1964

Made - - - - 18th August 1964

Coming into Operation 4th September 1964

Whereas the Minister of Labour (hereafter in this Order referred to as “the Minister”) has received from the Made-up Textiles Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Made-up Textiles) Order 1964.

2.—(1) In this Order the expression “the specified date” means the 4th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression “the specified date” means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Made-up Textiles) Order 1962(c), shall cease to have effect.

Dated 18th August 1964.

Joseph Godber,
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/1613 (1962 II, p. 1879).

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Made-up Textiles) Order 1962(a) (Order M.T. (52)).

STATUTORY MINIMUM REMUNERATION

PART I

GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is :—

- (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
- (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule.

PART II

MALE WORKERS

GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to male workers are as follows:—

	Per hour
	s. d.
(1) <i>Workers aged 21 years or over and employed as awl and needle stitchers (leather and canvas), cutters, letter writers (other than stencillers), machinists (sewing), mixers, palm and needle hands, ropers of tents and coal sacks, or splicers of ropes over 1½ ins. in circumference</i>	4 6
(2) All other workers, being aged—	
21 years or over	4 0½
20 and under 21 years	3 6
19 " " 20 "	3 3
18 " " 19 "	3 1½
17 " " 18 "	2 8
16 " " 17 "	2 2½
Under 16 years	1 10

Provided that the general minimum time rate payable during his first six months' employment in the trade to a worker who enters, or has entered, the trade for the first time at or over the age of 18 years shall be 1d. per hour less than the rate otherwise payable under sub-paragraph (1) or (2) of this paragraph.

PIECE WORK BASIS TIME RATES

3. The piece work basis time rates applicable to male workers employed on piece work are as follows :—

	Per hour
	s. d.
(1) <i>Workers employed as awl and needle stitchers (leather and canvas), cutters, letter writers (other than stencillers), machinists (sewing), mixers, palm and needle hands, ropers of tents and coal sacks, or splicers of ropes over 1½ ins. in circumference</i>	4 11
(2) All other workers	4 5

PART III

FEMALE WORKERS

GENERAL MINIMUM TIME RATES

4. The general minimum time rates payable to female workers are as follows:—

							Per hour	
							s.	d.
(1)	<i>Workers aged 18 years or over and employed as awl and needle stitchers (leather and canvas), cutters, letter writers (other than stencillers), machinists (sewing), mixers, palm and needle hands, ropers of tents and coal sacks, or splicers of ropes over 1½ ins. in circumference</i>						3	3
(2)	All other workers, being aged—							
	18 years or over	...	...	...	...	...	3	0
	17 and under 18 years	...	...	...	...	...	2	8
	16 " 17 "	...	...	...	...	...	2	2
	Under 16 " years	...	...	...	...	...	1	9½

Provided that the general minimum time rate payable during her first six months' employment in the trade to a worker who enters, or has entered, the trade for the first time at or over the age of 16 years shall be 1d. per hour less than the minimum rate otherwise payable under sub-paragraph (1) or (2) of this paragraph.

PIECE WORK BASIS TIME RATES

5. The piece work basis time rates applicable to female workers employed on piece work are as follows:—

							Per hour	
							s.	d.
(1)	<i>Workers employed as awl and needle stitchers (leather and canvas), cutters, letter writers (other than stencillers), machinists (sewing), mixers, palm and needle hands, ropers of tents and coal sacks, or splicers of ropes over 1½ ins. in circumference</i>						3	6½
(2)	All other workers						3	3½

PART IV

OVERTIME AND WAITING TIME

MINIMUM OVERTIME RATES

6. Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

- (1) on any day except a Saturday, Sunday or customary holiday—
- (a) for the first 2 hours worked in excess of 8 hours time-and-a-quarter
- (b) thereafter time-and-a-half

Provided that where it is, or may become, the established practice of the employer to require the worker's attendance on five days only in the week the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 8½ and 10½ hours' work respectively;

- (2) on a Saturday, not being a customary holiday—
- (a) for the first 2 hours worked in excess of
3 hours time-and-a-quarter
- (b) thereafter time-and-a-half
- Provided that where it is, or may become, the established practice of the employer to require the worker's attendance on five days only in the week, minimum overtime rates shall be payable to the worker for all time worked on a Saturday as follows:—
- (i) for the first 2 hours time-and-a-quarter
- (ii) thereafter time-and-a-half
- (3) on a Sunday or a customary holiday for all time worked double time
- (4) in any week exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph, for all time worked in excess of 43 hours time-and-a-quarter

7. In this Part of this Schedule—

- (1) the expression "customary holiday" means—

- (a) (i) in England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

- (ii) in Scotland—

New Year's Day and the following day;

Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday, and if New Year's day falls on a Saturday the holidays shall be New Year's Day and the following Monday;

the local Spring holiday;

the local Autumn holiday;

two other days (being normal working days for the workers concerned) in the course of a calendar year to be fixed by the employer and notified to the workers not less than three weeks before the holiday;

- or (b) in the case of each of the said days such week day as may be substituted therefor, being either—

- (i) a day which is by local custom recognised as a day of holiday.
or

- (ii) a day which falls within three weeks of the day for which it is substituted, and is mutually agreed between the employer and the worker.

- (2) the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—

- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the general minimum time rate otherwise applicable to the worker under Part II or Part III of this Schedule:

- (b) in the case of a worker employed on piece work—

- (i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate otherwise applicable to the worker under Part II or Part III of this Schedule and, in addition thereto,

- (ii) the piece rates otherwise applicable to the worker under paragraph 1(2).

WAITING TIME

- 8.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances—
- (a) without the employer's consent, express or implied,
 - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform,
 - (c) by reason only of the fact that he is resident thereon,
 - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

PART V

APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

9. This Schedule does not apply to workers who are persons registered as handicapped by disablement in pursuance of the Disabled Persons (Employment) Acts 1944 and 1958(a), in respect of their employment by Remploi Limited but, save as aforesaid, applies to workers in relation to whom the Made-up Textiles Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Made-up Textiles Trade, Great Britain) (Constitution and Proceedings) Regulations 1932(b), that is to say :—
- (1) The making from woven fabrics of any of the following articles, or the repairing thereof :—
- taraulins ; tents ; marquees ; rick, cart or wagon covers ; nose-bags, oil-skin clothing or headgear or linings therefor ; flags made of more than one piece ; baths, basins, buckets, beds, cots, hammocks, ground sheets or similar articles ; girths and articles known in the trade as horse-clothing.
- (2) The making of any of the following articles from fabrics of the kind specified in sub-paragraph (1) above, or the repairing thereof, when carried on in association with or in conjunction with the making or repairing of any of the articles mentioned in the said sub-paragraph :—
- rope-bound coal and coke sacks ; haversacks or knapsacks ; outside and inside blinds or awnings ; flags made of one piece ; bunting decorations ;
- including :—
- (A) the following operations when carried on in association with or in conjunction with the operations specified in sub-paragraphs (1) and (2) above, viz., operations known in the trade as—
- (i) the dyeing, oiling, tarring, chemically treating, or otherwise proofing of the fabrics mentioned in sub-paragraph (1) and the preparation of dressings therefor ;
 - (ii) cutting, sewing, finishing, stencilling or branding by hand or machine ;

(a) 7 & 8 Geo. 6. c. 10 and 6 & 7 Eliz. 2. c. 33.

(b) S.R. & O. 1932/805 (Rev. XXIII, p. 480: 1932, p. 1706).

(B) the following or similar operations performed by hand or machine when incidental to and carried on in association with or in conjunction with the operations specified in sub-paragraphs (1) and (2) above:—

- (i) the splicing or braiding of rope, cord or twine ;
- (ii) the making of fittings of leather or webbing, including the assembling of metal or other parts ;
- (iii) the sewing or attaching to any of the articles mentioned in sub-paragraph (1) or (2) above of :—
 - (a) rope, cord or twine ;
 - (b) leather, webbing or metal or fittings made thereof ;

(C) the warehousing of, the packing of, and similar operations in regard to any of the articles mentioned in sub-paragraphs (1) and (2) above, when carried on in association with or in conjunction with the operations specified in the said sub-paragraphs ;

(D) the warehousing of, the packing of, and similar operations in regard to any other articles when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in any of the operations mentioned in sub-paragraph (C) above ;

but excluding:—

- (i) the making of haversacks and knapsacks when made in association with or in conjunction with the making of and as part of military web equipment ;
- (ii) the making of folding or deck chairs ;
- (iii) the making or repairing of horse-clothing, girths and nose-bags when carried on in association with or in conjunction with the making or repairing of leather saddlery or harness ;
- (iv) the making or repairing of rubberised articles ;
- (v) the making or repairing of tarpaulins or of rope-bound coal and coke sacks in an establishment, business, branch or department in which the making of sails is the main or principal business of the establishment, business, branch, or department ;
- (vi) the printing by hand or machine of flags or parts thereof ;
- (vii) the operations mentioned in sub-paragraph (C) above, when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in the warehousing of, the packing of, and similar operations in regard to corn sacks, flour sacks, coal sacks, sugar sacks, cement bags, sand bags, nail bags, potato bags, seed bags and similar sacks or bags ;
- (viii) operations performed by workers directly employed by railway companies ;
- (ix) operations included in the Trade Boards (Hat, Cap and Millinery) order 1919(a) ;
- (x) operations included in the Trade Boards (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods) Order 1920(b) ;
- (xi) operations included in the Trade Boards (Rope, Twine and Net) Order 1919(c), but not specifically mentioned in the Trade Boards (Made-up Textiles) Order 1920(d).

(a) S.R. & O. 1919/1262 (1919 II, p. 515).

(c) S.R. & O. 1919/930 (1919 II, p. 524).

(b) S.R. & O. 1920/103 (1920 II, p. 780).

(d) S.R. & O. 1920/1901 (1920 II, p. 782).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which has effect from 4th September 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Made-up Textiles) Order 1962 (Order M.T. (52)), which is revoked.

New provisions are printed in italics.

1964 No. 1329

TRANSPORT

PENSIONS

The British Transport Reorganisation (Pensions of Employees) (No. 1) Order 1964

<i>Made</i>	21st August 1964
<i>Laid before Parliament</i>	28th August 1964
<i>Coming into Operation</i>	31st August 1964

The Minister of Transport, in exercise of his powers under section 74 of the Transport Act 1962^(a) and of all other enabling powers, hereby makes the following Order :—

Commencement, citation and interpretation

1.—(1) This Order shall come into operation on the 31st August 1964, and shall have effect from the vesting date.

(2) This Order may be cited as the British Transport Reorganisation (Pensions of Employees) (No. 1) Order 1964.

(3) In this Order unless the context otherwise requires—

“the Act” means the Transport Act 1962 ;

“appropriate Transfer Order”, as respects an existing scheme, means whichever of the following Orders, namely,

(a) the British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962^(b), and

(b) the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962^(c),

is the Order by which liabilities and functions in relation to that scheme were transferred, and, where the scheme is an arrangement to which the former of the above Orders applies, any reference (whether in this definition or elsewhere in this Order) to the transfer by such an Order of liabilities or functions in relation to a scheme includes a reference to the placing (by virtue of the Scheme made by the Commission under that Order) of the responsibility for making payments under that arrangement, and any reference to liabilities or functions, or to the rights, liabilities and functions of the Commission, in connection with such a transfer as aforesaid includes a reference to such responsibility ;

(a) 10 & 11 Eliz. 2. c. 46.

(b) S.I. 1962/2715 (1962 III, p. 3692).

(c) S.I. 1962/2758 (1962 III, p. 3866).

“ a Board ” means any of the following bodies, namely—

- the British Railways Board,
- the London Transport Board,
- the British Transport Docks Board, and
- the British Waterways Board ;

“ the Commission ” means the British Transport Commission ;

“ employing body ” means, in relation to a person, the nationalised transport body employing him ;

“ existing scheme ” has the meaning assigned to that expression in Article 2 of this Order ;

“ former employment ” and “ new employment ” mean, in relation to a person who ceases to be in the employment of a nationalised transport body and then (either immediately, or after an intervening period) re-enters the employment of that nationalised transport body or enters the employment of another nationalised transport body, the employment which has ceased and the employment which is re-entered or entered (as the case may be) respectively, and “ former employing body ” and “ new employing body ” shall be construed accordingly, and any reference to entering, in connection with the new employment or the employment of the new employing body, shall include a reference to re-entering such employment in a case where the former employing body and the new employing body are the same nationalised transport body ;

“ the Holding Company ” means the Transport Holding Company established by the Act ;

“ insurance scheme ” means a scheme for the provision of pensions by way of contracts or policies made or effected with an insurance company carrying on life assurance business within the meaning of the Insurance Companies Act 1958(a) (including contracts or policies made with such a company for the purpose of implementing any form of private superannuation fund) ;

“ intervening period ” means, in relation to a person who ceases to be in the employment of a nationalised transport body and then, after an interval, re-enters the employment of that nationalised transport body or enters the employment of another nationalised transport body, the period which elapses between the cessation of the former employment and the commencement of the new employment and is a period at no time within which that person is in the employment of a nationalised transport body ;

“ the Minister ” means the Minister of Transport ;

“ nationalised transport body ” means any of the following :—

- (a) a Board,
- (b) the Holding Company,
- (c) a subsidiary of a Board or of the Holding Company ;

“ pensionable service ” means service ranking for benefit under a pension scheme ;

“ successor body ”, in relation to an existing scheme, means the nationalised transport body to which the rights, liabilities and functions of the Commission relating to that scheme were transferred by the appropriate Transfer Order, or, where those rights, liabilities and functions

were transferred by that Order to more than one such body, any one of the nationalised transport bodies to which those rights, liabilities and functions were so transferred ;

“ term ”, in relation to a pension scheme, includes any rule or provision of the scheme, or of any statutory provision relating to the scheme, or of any trust deed or other instrument made for the purposes of the scheme ;

“ the vesting date ” means the date appointed by the Minister pursuant to section 31 of the Act, that is to say, the 1st January, 1963 ; and

“ withdrawal benefits ” means, in relation to a participant in an existing scheme who ceases to be in the employment of a nationalised transport body, any payments or transfers of assets (including paid up insurance policies) which fall to be made to or in respect of him under the terms of the scheme on the cessation of that employment, and any reference to payment or repayment in relation to withdrawal benefits shall include a reference to transfer or retransfer where such benefits consist of or include assets other than cash.

(4) The Interpretation Act 1889^(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Application of the Order

2.—(1) This Order shall have effect as respects every existing scheme, that is to say, every pension scheme which relates in whole or in part to the provision of pensions in respect of service rendered in the employment of the Commission or of a subsidiary of the Commission or in the employment of a nationalised transport body and is either—

- (a) a pension scheme in relation to which the rights, liabilities and functions of the Commission were transferred on the vesting date to a Board or to the Holding Company by the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962, or
- (b) an arrangement in relation to which the responsibility for making payments was placed on a Board or the Holding Company by the Scheme made by the Commission under the British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962.

(2) Every existing scheme shall, subject to the provisions of paragraph (3) of this Article, be construed and have effect as if the provisions of this Order were terms of the scheme, any other term thereof, whether express or implied, to the contrary notwithstanding, and each nationalised transport body shall, for the purposes of giving effect to this Order, be bound by the terms of every such scheme.

(3) The rights to continue to participate in, and to re-enter, an existing scheme given by this Order shall be additional to any similar rights subsisting under the terms of that scheme apart from the provisions of this Order and nothing in this Order shall derogate from such similar rights where they subsist.

Continuing participation in pension schemes

3.—(1) This Article shall apply to any person who—

- (a) participates in an existing scheme in connection with his employment by a nationalised transport body,

(a) 52 & 53 Vict. c. 63.

- (b) at any time after the vesting date ceases to be in the employment of that nationalised transport body, and
- (c) enters the employment of another nationalised transport body immediately after the cessation of his former employment.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, any person to whom this Article applies shall not be required, solely by reason of the cessation of his former employment, to cease to participate in the existing scheme in which he participated in connection with that employment, but shall, if the terms of the scheme (other than the terms which would require participation to cease for the reason aforesaid) so permit, continue to participate in that scheme in connection with his new employment upon and subject to the terms of that scheme (which shall have effect in relation to his new employment as it had effect in relation to his former employment), and for the purposes of that scheme the former employment and the new employment shall be treated as continuous, and so long as he continues to participate in that existing scheme by virtue of the provisions of this paragraph the terms of any other pension scheme of the new employing body which require employees of that body to participate therein shall not apply to him.

(3) If a person to whom this Article applies, within three months of the date of his entering the new employment or the date of the coming into operation of this Order (whichever date is later), gives notice in writing to the former employing body, the new employing body and the trustees of, or the persons administering, the relevant scheme, that he does not desire to continue to participate in that scheme (each such notice to be given on the same date), then, upon the giving of that notice, the provisions of paragraph (2) of this Article shall be deemed never to have applied in relation to that person and his participation in the relevant scheme (in so far as it depends on the provisions of this Article) shall be deemed to have ceased when he ceased to be in the employment of the former employing body.

(4) Where in connection with the cessation of his former employment any withdrawal benefits are paid from the relevant scheme to or in respect of a person to whom this Article applies, the provisions of paragraph (2) of this Article shall not apply in relation to him and his participation in the relevant scheme (in so far as it depends on the provisions of this Article) shall be deemed to have ceased when his former employment ceased, unless within three months of the date of entering his new employment or the date of the coming into operation of this Order (whichever date is later), or such longer period as the trustees of, or the persons administering, that scheme may allow in relation to him, he pays to them a sum equivalent to the amount of such withdrawal benefits, together with (where the trustees or the persons aforesaid so require) the amount of any income tax deducted therefrom when those benefits were paid.

Permission to re-enter pension schemes

4.—(1) This Article shall apply to any person who—

- (a) participates in an existing scheme in connection with his employment by a nationalised transport body,
- (b) at any time after the vesting date ceases to be in the employment of that nationalised transport body, and

(c) re-enters the employment of that nationalised transport body, or enters the employment of another nationalised transport body, after an intervening period not exceeding twelve months.

(2) Subject as hereinafter provided, the trustees of, or the persons administering, the relevant scheme shall have power, with the consent of the former employing body and the new employing body, and, where the scheme is an insurance scheme, the insurance company, to grant to a person to whom this Article applies permission, in accordance with the provisions of this Article, to re-enter that scheme in connection with his new employment upon the terms hereinafter mentioned.

(3) A person desiring to re-enter an existing scheme under the provisions of this Article shall, within three months of the date of his entering the new employment or the date of the coming into operation of this Order (whichever date is later), make application in writing to the trustees of, or the persons administering, that scheme for permission to re-enter it, and the trustees or the persons aforesaid shall consider that application and may, if they think fit, and subject to the consents specified in paragraph (2) of this Article, decide to grant that application, or they may decide to reject that application, and in any case they shall, as soon as may be after making their decision, notify the applicant thereof in writing.

(4) The terms upon which a person may be permitted to re-enter an existing scheme under the provisions of this Article shall, subject as hereinafter provided, be such terms (including terms for the repayment of any withdrawal benefits) as the trustees of, or the persons administering, that scheme may prescribe.

(5) The terms referred to in the last preceding paragraph of this Article may (to the extent specified thereby) provide, in respect of the person concerned, for the periods of his former employment and his new employment to be aggregated for the purposes of the relevant scheme and may also (to the extent specified thereby) provide for the intervening period to be taken into account in calculating any minimum qualifying period of service under the terms of that scheme, but except as aforesaid, and except also in so far as any transfer value from another pension scheme may (under reciprocal arrangements for the preservation of pension rights) be received in respect of the intervening period by the trustees of, or the persons administering, the relevant scheme, such terms shall not provide for any part of the intervening period to be regarded as a period of pensionable service for the purposes of that scheme nor shall they permit the person concerned to acquire pension rights in respect of that period by making payments (whether calculated on the basis of employer's or employee's contributions or otherwise) to the trustees of, or the persons administering, that scheme.

5.—(1) This Article shall apply to any person who—

(a) participated in an existing scheme in connection with his employment by the Commission, or by a subsidiary of the Commission, before the vesting date,

(b) before the vesting date ceased to be in such employment, and

(c) enters the employment of a nationalised transport body after the vesting date and after an intervening period not exceeding twelve months.

(2) Subject as hereinafter provided, the provisions of paragraphs (2) to (5) of Article 4 of this Order shall apply in relation to a person to whom this Article applies.

(3) For the purpose of this Article and of paragraphs (2) to (5) of Article 4 of this Order as applied by paragraph (2) of this Article (including the interpretation of any expressions therein which are defined in Article 1 of this Order)—

- (a) the expression “nationalised transport body” shall be deemed to include, in respect of any period before the vesting date, the Commission and any subsidiary of the Commission, and
- (b) the expression “former employing body” shall, in relation to a person to whom this Article applies, mean, so far as regards anything occurring or to be done after the vesting date, the nationalised transport body which would have become the employer of that person on the vesting date had his employment by the Commission, or by a subsidiary of the Commission (as the case may be), continued from the date of its cessation until the vesting date.

Non-contributory schemes

6. Where by virtue of a person’s employment by a nationalised transport body on or after the vesting date or by the Commission or a subsidiary of the Commission before that date pension rights accrue or have accrued to him under an existing scheme without his having himself contributed under the scheme, and that scheme is a scheme from which the benefits are or will be receivable as of right, the provisions of this Order shall apply in relation to that person as if he had been a participant in that scheme, and the references in this Order to participation shall be construed accordingly.

Obligations of Employing Bodies

7. Where in consequence of the provisions of this Order an existing scheme includes among its participants any person whose employing body is not the successor body, or one of the successor bodies, for that scheme, then—

- (a) any sums required by the terms of that scheme to be paid by that person as his contributions to the scheme shall be deducted by the employing body from his salary or wages and shall be paid by that body in accordance with those terms to the trustees of, or the persons administering, the scheme; and
- (b) any sums required by the terms of that scheme to be paid in respect of that person by his employer as the employer’s contributions to the scheme shall be paid by the employing body in accordance with those terms to the trustees of, or the persons administering, the scheme.

8.—(1) Where in consequence of the provisions of this Order—

- (i) an existing scheme includes among its participants any person whose employing body is not the successor body, or one of the successor bodies, for that scheme, or
- (ii) an existing scheme has included among its participants any person whose employing body was not the successor body, or one of the successor bodies, for that scheme, and a pension or other benefit is payable thereunder in respect of that person’s service in the employment of that employing body,

the following provisions shall apply in relation to that scheme—

- (a) the employing body aforesaid shall make such payments to the successor body or successor bodies by way of contributions towards

the administrative expenses of the scheme or (subject to the provisions of paragraph (2) of this Article) towards any payments which any successor body is obliged to make in the discharge of the liabilities, or in the performance of the functions, transferred to it by the appropriate Transfer Order in relation to the scheme, or to implement any guarantee given by such successor body or binding upon it by virtue of the provisions of that Order in relation to the scheme, as may be equitable having regard to all the circumstances of the case, including the number of participants, or former participants, who are or were in the employment of that employing body (being participants whose continuing or resumed participation depends, or has depended, upon the provisions of this Order), and in the case of any disagreement between the employing body and any successor body, or between the successor bodies themselves, as to their obligations under this Article, the matter shall on the application of any of the bodies concerned be determined by the Minister whose decision shall be final; and

(b) the Minister may, on the application of the employing body aforesaid or of any successor body, direct that any power in relation to that scheme (whether a power of appointing trustees, amending rules, approving the admission of members, or otherwise howsoever in relation to that scheme) exercisable by any successor body shall be exercisable by the employing body to such extent (whether instead of such successor body or jointly with that body) and in such manner as may appear to the Minister to be appropriate, and where any such direction is so given the terms of the scheme shall, whilst the direction remains in force, have effect subject to the provisions of the direction.

(2) Except in pursuance of an agreement made, with the consent of the Minister, between the employing body and the successor body concerned, the employing body shall not by virtue of paragraph (1) of this Article be required to make any payment to any successor body by way of a contribution towards any payments which the successor body is obliged to make in the discharge of any liability transferred to it by the appropriate Transfer Order, being a liability in connection with any pension fund monies which were deposited with the Commission before the vesting date for the purposes of any existing scheme.

Given under the Official Seal of the Minister of Transport the 21st August 1964.

(L.S.)

T. Padmore,
Secretary to the Ministry of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for staff of the nationalised transport bodies (the British Railways Board, the London Transport Board, the British Transport Docks Board, the British Waterways Board, the Transport Holding Company and their subsidiaries), who move from one body to another within the nationalised transport industry, to continue in membership of their pension schemes.

A person who leaves a nationalised transport body and immediately enters the employment of another such body is entitled to remain in membership of his pension scheme unless he gives notice to the contrary within three months of the date of transfer, and provided the terms of the scheme (other than those requiring membership to cease on transfer) permit (Article 3). Where there is an intervening period, not exceeding twelve months, between a person's leaving a nationalised transport body and his re-entering the employment of that body or entering the employment of another such body, the trustees of, or the persons administering, the appropriate pension scheme are empowered to re-admit that person to membership on such terms and conditions as they may prescribe (Article 4). These provisions apply to all persons who transfer after the vesting date (the date on which all the property, rights and liabilities of the British Transport Commission were vested in the British Railways Board, the London Transport Board, the British Transport Docks Board, the British Waterways Board and the Transport Holding Company) (Article 1), and also to those persons who left the British Transport Commission before that date but who, before the expiry of a period of twelve months, enter the employment of a nationalised transport body (Article 5). Members of non-contributory pension schemes are included (Article 6).

Provision is also made for the nationalised transport body to whose employment a person moves to make appropriate contributions for the purposes of the pension scheme to which that person belongs (Article 7). In addition, certain adjustments can be made in relation to the administration of pension schemes (Article 8).

1964 No. 1335
CUSTOMS AND EXCISE
The Import Duties (General) (No. 8) Order 1964

Made - - - - - 24th August 1964

*Laid before the
House of Commons 28th August 1964*

Coming into Operation 1st September 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 1, 2 and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order :—

1.—(1) The Schedule to the Import Duties (General) (No. 3) Order 1961(b) (which by reference to the Customs Tariff 1959 sets out the import duties chargeable under the Import Duties Act 1958), as amended by subsequent Orders under that Act(c), shall be further amended in accordance with the provisions of the Schedule to this Order.

(2) In consequence of the foregoing paragraph, paragraph 19 of the Schedule to the Import Duties (General) (No. 4) Order 1963(d) is hereby revoked.

2. It is hereby declared, in pursuance of section 13(5) of the said Act of 1958, that the Treasury are of opinion that, in the circumstances existing at the date of this Order, the alterations made by paragraphs 2 to 7 of the Schedule to this Order are not calculated to raise the general level of duty on any goods.

3.—(1) This Order may be cited as the Import Duties (General) (No. 8) Order 1964.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 1st September 1964.

M. A. Hamilton,

Ian MacArthur,

**Two of the Lords Commissioners
of Her Majesty's Treasury.**

24th August 1964.

(a) 6 & 7 Eliz. 2. c. 6.

(b) S.I. 1961/403 (1961 I, p. 585).

(c) See, in particular, S.I. 1963/1013, 1465, 2009 (1963 II, pp. 1680, 2608 ; III, p. 4247).

(d) S.I. 1963/1013 (1963 II, p. 1680).

(e) 52 & 53 Vict. c. 63.

SCHEDULE

AMENDMENT OF IMPORT DUTIES (GENERAL) (NO. 3) ORDER 1961

Removal or reduction of duty on certain sweetened fruit juices

1. In heading 20.07, the following shall be substituted for sub-heading (A):—

“ (A) Citrus fruit juices:

(1) Grapefruit juice; orange, clementine, mandarin or tangerine juice whether containing the detached cells of the fruit or not:

(a) Not containing more than 20 per cent. by weight of added sweetening matter	...	...	—	—	—
(b) Other	...	...	3%	—	3%

(2) Other:

(a) Not containing more than 20 per cent. by weight of added sweetening matter	...	...	15%	—	15%
(b) Other	...	...	18%	—	18%

with the rates of duty in columns 2 and 4.

Reduction in E.F.T.A. rate of duty on certain goods containing hydrocarbon oils

2. Heading 32.09 shall be amended as follows:—

(a) in sub-heading (C)(1)(b)(i)(II), in column 4, for “ 8% ” there shall be substituted “ 2½%, in addition to any revenue duty ”;

(b) in sub-heading (C)(3)(a)(ii), in column 4, for “ 7% ” there shall be substituted “ 1½%, in addition to any revenue duty ”;

(c) in sub-heading (C)(4)(a), in column 4, for “ 11% ” there shall be substituted “ 5½%, in addition to any revenue duty ”.

3. In sub-heading 34.05(A), in column 4, for “ 7% ” there shall be substituted “ 1½%, in addition to any revenue duty ”.

4. Heading 38.11. shall be amended as follows:—

(a) in sub-heading (B)(1)(a), in column 4, for “ 7% or such greater rate as is equal to the amount or aggregate amount of the duty chargeable on such constituents ” there shall be substituted “ 1½% or such greater rate as is equal to the amount or aggregate amount of the duty chargeable on such constituents, in addition to any revenue duty ”;

(b) in sub-heading (B)(2)(a), in column 4, for “ 7% ” there shall be substituted “ 1½%, in addition to any revenue duty ”.

5. Heading 38.19 shall be amended as follows:—

(a) in sub-heading (IJ)(1)(a), in column 4, for “ 7% or such greater rate as is equal to the amount or aggregate amount of the duty chargeable on such constituents ” there shall be substituted “ 1½% or such greater rate as is equal to the amount or aggregate amount of the duty chargeable on such constituents, in addition to any revenue duty ”;

(b) in sub-heading (IJ)(2)(a), in column 4, for “ 7% ” there shall be substituted “ 1½%, in addition to any revenue duty ”.

6. In sub-heading 39.01(E)(1)(b), in column 4, for “ 7% ” there shall be substituted “ 1½%, in addition to any revenue duty ”.

7. In sub-heading 40.06(C), in column 4, for “ 11% ” there shall be substituted “ 5½%, in addition to any revenue duty ”.

Removal of duty (full rate 20%: E.F.T.A. rate 8%) on certain punched cards, tapes, etc.

8. In heading 48.21 there shall be inserted the following sub-heading, and the existing sub-heading (E) shall be re-numbered accordingly:—

“(E) Cards, tapes and other articles on which information has been recorded by means of perforated holes and which are for use in statistical and other machines (but not including articles for use in Jacquard and similar machines)... .. — — —”

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order :—

- (1) Provides for the rates of import duty on citrus fruit juices containing not more than 20 per cent. by weight of added sweetening matter to be the same as those on citrus fruit juices not containing added sweetening matter. The effect is that both the full and the E.F.T.A. rates of duty on fruit juices classified in Tariff sub-heading 20.07(A)(1)(b) are removed and both the full and E.F.T.A. rates of duty on fruit juices classified in 20.07(A)(2)(b) are slightly reduced.
- (2) Reduces the E.F.T.A. rates of import duty on certain goods containing hydrocarbon oils so as to maintain the existing effective level of protection; but provides for the additional charge of any revenue duty which may be chargeable.
- (3) Removes both the full and the E.F.T.A. rates of import duty on certain used punched cards, tapes and other articles.

1964 No. 1336
DESIGNS
The Designs (Amendment No. 2) Rules 1964

Made - - - - - 24th August 1964
Laid before Parliament 31st August 1964
Coming into Operation 1st November 1964

The Board of Trade, in pursuance of the powers conferred upon them by sections 36 and 40 of the Registered Designs Act 1949(a), as amended by the Patents and Designs (Renewals, Extensions and Fees) Act 1961(b), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Rules:—

1. The fees payable by virtue of Rule 3 of the Designs Rules 1949(c), as amended(d), in respect of the several matters specified in the Schedule hereto shall be the fees prescribed therein in relation to those matters and, accordingly,—

- (i) for Schedule 1 to the said Rules there shall be substituted the Schedule hereto ; and
- (ii) Rule 2 of and Schedule 1 to the Designs (Amendment) Rules 1964(e) shall be revoked.

2. The Interpretation Act 1889(f) shall apply to the interpretation of these Rules as if these Rules and the Rule hereby revoked were Acts of Parliament.

3. These Rules may be cited as the Designs (Amendment No. 2) Rules 1964 and shall come into operation on 1st November 1964.

24th August 1964.

David Price,
 Parliamentary Secretary to the
 Board of Trade.

We consent to the making of these Rules.

24th August 1964.

M. A. Hamilton,
Ian MacArthur,
 Lords Commissioners of
 Her Majesty's Treasury.

(a) 12, 13 & 14 Geo. 6. c. 88. (b) 9 & 10 Eliz. 2. c. 25. (c) S.I. 1949/2368 (1949 I, p. 1417).
 (d) The relevant amending instrument is S.I. 1964/229 (1964 I, p. 428).
 (e) S.I. 1964/229 (1964 I, p. 428). (f) 52 & 53 Vict. c. 63.

SCHEDULE
LIST OF FEES PAYABLE

Subject or Proceeding	Amount	Corresponding Form
	£ s. d.	
1. On application to register one design to be applied to a single article not being textile articles	4 0 0*	Designs No. 2 or 3.
If made of lace	15 0*	" " "
2. On application to register one design to be applied to a set of articles not being textile articles	8 0 0*	Designs No. 4 or 5.
If made of lace	1 10 0*	" " "
3. On application to register one design to be applied to a textile article (not being checks or stripes)	2 0 0*	Designs (Manchester) No. 1.
4. On application to register one design to be applied to a textile article (checks or stripes) ...	15 0*	Designs (Manchester) No. 2.
5. On application for a copy of certificate of registration	12 6	Designs No. 6.
6. On application to Registrar to state grounds of decision and materials used under Rule 31 ...	3 0 0*	Designs No. 7.
7. On request for extension of time within which an application for registration of a design may be completed:—		
Not exceeding one month	2 0 0*	Designs No. 8.
" " two months	4 0 0*	" "
" " three months	6 0 0*	" "
8. On application for extension of copyright under Section 8(2) for second period	8 0 0*	Designs No. 9.
9. On application for extension of copyright under Section 8(2) for third period	16 0 0*	Designs No. 10.
10. On request for enlargement of time for payment of fee for extension of copyright:—		
Not exceeding one month	2 0 0*	Designs No. 11.
" " two months	4 0 0*	" "
" " three months	6 0 0*	" "
" " four months	8 0 0*	" "
" " five months	10 0 0*	" "
" " six months	12 0 0*	" "
11. On application to enter subsequent proprietorship, &c. under Rule 39 made within six months from date of acquisition of proprietorship, &c.:—		
In respect of one design	1 5 0	Designs No. 12 or 13.
Made after six but within twelve months from date of acquisition of proprietorship, &c.:—		
In respect of one design	3 0 0	" "

Subject or Proceeding	Amount	Corresponding Form
11.— <i>contd.</i>	£ s. d.	
Made after expiration of twelve months from the date of acquisition of proprietorship, &c.:—		
In respect of one design	3 10 0	Designs No. 12 or 13.
On application covering more than one design, for each additional design similarly acquired	3 0	—
12. On application for entry of notification of document in the register made within six months of date of document:—		
In respect of one design	1 5 0	Designs No. 14.
Made after six but within twelve months from date of document:—		
In respect of one design	3 0 0	" "
Made after expiration of twelve months from date of document:—		
In respect of one design	3 10 0	" "
On application covering more than one design, for each additional design referred to in the same document as the first design	3 0	—
13. On application of mortgagee, licensee, or other person for entry that he no longer claims such interest:—		
In respect of one design	12 6	Designs No. 15.
For each additional design	3 0	—
14. On application to enter change of name or nationality of registered proprietor in the register:—		
In respect of one design	12 6	Designs No. 16.
For each additional design	3 0	—
15. On application for alteration of address or address for service in the register:—		
In respect of one design	6 0	Designs No. 17.
For each additional design	1 0*	—
16. On request under Section 21 to correct error	1 5 0	Designs No. 18.
17. On application by proprietor for cancellation	6 0	Designs No. 19.
18. On request for search under Section 23 when registration number is supplied	12 6	Designs No. 20.
19. On request for search under Section 23 when registration number is not supplied	1 5 0	Designs No. 21.
20. On application for search under Rule 48 ...	1 5 0	Designs No. 22.
21. On request for certificate of Registrar for use in obtaining registration in a foreign country or for use in legal proceedings or other special purpose	12 6	Designs No. 23.

Subject or Proceeding	Amount	Corresponding Form
	£ s. d.	
22. On request for certificate of Registrar for use in obtaining registration in part of Her Majesty's dominions outside the United Kingdom	6 0	Designs No. 24.
23. On application for compulsory licence under Section 10	5 0 0	Designs No. 25.
24. On application for cancellation of registration under Section 11(2)	3 0 0*	Designs No. 26.
25. On notice that hearing of an application for cancellation or compulsory licence will be attended	2 10 0	Designs No. 27.
26. On application for entry of Order of Court in register	12 6	Designs No. 28.
27. Inspection of register or design where inspection is permitted other than inspection under the second paragraph of Section 22(2) ...	2 6	—
28. Photographic copy of design or documents	Cost according to agreement	—
29. Office copy of documents, every 100 words ...	1 0* (but never less than 2s.*)	—
30. For certifying Office copies	3 0	—

The fees to be paid on any proceeding at the Manchester Branch shall be the same as for the similar proceeding at the Office.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules further amend the Designs Rules 1949.

With the exceptions indicated by asterisk, the fees payable under the Rules are increased.

The new fees become payable on 1st November 1964.

1964 No. 1337

PATENTS

The Patents (Amendment No. 2) Rules 1964

<i>Made - - - -</i>	<i>24th August 1964</i>
<i>Laid before Parliament</i>	<i>31st August 1964</i>
<i>Coming into Operation</i>	<i>1st September 1964</i>

The Board of Trade, in pursuance of the powers conferred upon them by sections 94 and 99 of the Patents Act 1949(a), as amended by the Patents Act 1957(b), the Patents and Designs (Renewals, Extensions and Fees) Act 1961(c) and the Patents (Fees Amendment) Order 1961(d), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Rules :—

1. The fee payable by virtue of Rule 3 of the Patents Rules 1958(e), as amended(f), in respect of any of the items specified in the Schedule hereto shall on and after 1st November 1964 be the appropriate fee so specified and, accordingly, on that date—

- (i) for Schedule 1 to the said Rules there shall be substituted the Schedule hereto ; and
- (ii) the Patents (Amendment) Rules 1963(g) shall be revoked.

2. Where, on or after 1st September 1964 but before 1st November 1964, application is made for a certificate of payment of a patent renewal fee in respect of any year beginning after 31st October 1964, the fee payable upon such application by virtue of the said Rule 3 shall be that which would be payable if the application were made on or after 1st November 1964.

3. The Interpretation Act 1889(h) shall apply to the interpretation of these Rules as if these Rules and the Rules hereby revoked were Acts of Parliament.

4. These Rules may be cited as the Patents (Amendment No. 2) Rules 1964 and shall come into operation on 1st September 1964.

24th August 1964.

David Price,
Parliamentary Secretary to the
Board of Trade.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 5 & 6 Eliz. 2. c. 13. (c) 9 & 10 Eliz. 2. c. 25.
(d) S.I. 1961/1499 (1961 II, p. 3050). (e) S.I. 1958/73 (1958 II, p. 1713). (f) S.I. 1963/1982.
1964/228 (1963 III, p. 4169; 1964 I, p. 423). (g) S.I. 1963/1982 (1963 III p. 4169).
(h) 52 & 53 Vict. c. 63.

We consent to the making of these Rules.

24th August 1964.

*M. A. Hamilton,
Ian MacArthur,*

Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE
LIST OF FEES PAYABLE

	£	s.	d.	Corresponding Form
1. On application for a patent	1	0	0*	Patents Form No. 1 or Third Schedule Form 1A.
2. On Convention application for a patent:— In respect of each application for pro- tection in a Convention country	1	0	0*	Patents Form No. 1 Con. or Third Schedule Form 1B.
3. On filing specification:— Provisional	—			Patents Form No. 2.
Complete	10	0	0*	Patents Form No. 3.
4. On application for grant of patent of addition in lieu of an independent patent	6	0	0	Patents Form No. 1 Add.
5. Declaration of inventorship of invention disclosed in complete specification	—			Patents Form No. 4.
6. For extension of the period for filing complete specification	3	10	0	Patents Form No. 5.
7. On request for the post-dating of an applica- tion under Section 6(3)	3	10	0	Patents Form No. 6.
8. For extension of time under Rule 31 or 34 or 51:— Not exceeding one month	1	5	0	Patents Form No. 7.
Each succeeding month	1	5	0	" " "
9. On application for result of search made under Sections 7 and 8	1	0*		Patents Form No. 8.
10. On application under Section 9(2) for deletion of reference	1	5	0	Patents Form No. 9.
11. For extension of the period for putting an application in order:— Up to one month after the period allowed by Section 12(1)	2	10	0	Patents Form No. 10.
Up to two months	5	0	0	" " "
Up to three months	7	10	0	" " "

	£	s.	d.	Corresponding Form
12. For postponement of acceptance of complete specification:—				
Up to 13 months from date of filing of complete specification	2	10	0	Patents Form No. 11.
From 13 months to 14 months	2	10	0	" " "
From 14 months to 15 months	2	10	0	" " "
13. On notice of opposition to grant of patent.				
By opponent	2	10	0	Patents Form No. 12.
14. On hearing by Comptroller. By each party ...	2	10	0	Patents Form No. 13.
15. On a request under Section 16(3)	1	5	0	Patents Form No. 14.
16. On a claim under Section 16(4)	1	5	0	Patents Form No. 15.
17. On an application for extension of the period under Section 16(5)	1	5	0	Patents Form No. 16.
18. On an application for a certificate under Section 16(8)... ..	2	10	0	Patents Form No. 17.
19. On a claim under Section 17(1) for application to proceed in name of claimants ...	2	10	0	Patents Form No. 18.
20. On application for directions under Section 17(5)	6	0	0	Patents Form No. 19.
21. On a request for sealing of a patent	3	0	0*	Patents Form No. 20.
22. On application for extension of the period for requesting the sealing of a patent under Section 19(3):—				
Not exceeding one month	2	10	0	Patents Form No. 21.
" " two months	5	0	0	" " "
" " three months	7	10	0	" " "
23. On application for extension of the period for requesting the sealing of a patent under Section 19(4):—				
Not exceeding one month	1	5	0	Patents Form No. 22.
Each succeeding month	12	6		" " "
24. On application under Section 20 for amendment of a patent	6	0	0	Patents Form No. 23.
25. † On application for certificate of payment of renewal fee:—				
Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	6	0	0	Patents Form No. 24.
Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	7	0	0	" " "
Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	10	0	0	" " "
Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	12	0	0	" " "
Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	14	0	0	" " "
Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	17	0	0	" " "
Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	20	0	0	" " "
Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	22	0	0	" " "

† One half only of these fees payable on patents endorsed "Licences of Right".

		Corresponding Form
25.—cont.	£ s. d.	
Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	24 0 0	Patents Form No. 24.
Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	26 0 0	" " "
Before the expiration of the 14th year from the date of the patent and in respect of the 15th year	28 0 0	" " "
Before the expiration of the 15th year from the date of the patent and in respect of the remainder of the term of the patent	30 0 0	" " "
26. On extension of the period for payment of renewal fees:—		
Not exceeding one month	2 10 0	Patents Form No. 25.
" " two months	5 0 0	" " "
" " three months	7 10 0	" " "
" " four months	10 0 0	" " "
" " five months	12 10 0	" " "
" " six months	15 0 0	" " "
27. Certificate of payment of renewal fee	—	Patents Form No. 26.
28. On application under Section 24 or 25 for extension of term of patent	6 0 0	Patents Form No. 27.
29. On opposition to application for extension of term of patent	2 10 0	Patents Form No. 28.
30. On application for restoration of a patent	3 10 0	Patents Form No. 29.
31. On notice of opposition to application for restoration of patent	2 10 0	Patents Form No. 30.
32. Additional fee on restoration of patent	12 0 0	Patents Form No. 31.
33. On application under Section 28 for sealing of patent	3 10 0	Patents Form No. 32.
34. On opposition to application under Section 28	2 10 0	Patents Form No. 33.
35. Additional fee for sealing under Section 28...	12 0 0	Patents Form No. 34.
36. On application to amend specification after acceptance:—		
Up to sealing. By applicant	3 10 0	Patents Form No. 35.
After sealing. By patentee	6 0 0	" " "
37. On notice of opposition to amendment. By opponent	2 10 0	Patents Form No. 36.
38. On application to amend specification not yet accepted	2 10 0	Patents Form No. 37.
39. On application to amend an application for a patent	2 10 0	Patents Form No. 38.
39a. Application for the conversion of an application for a patent to a Convention application under Rule 95(2)	—	Patents Form No. 38. Con.
40. On application for revocation of a patent under Section 33	3 10 0	Patents Form No. 39.
41. On offer to surrender a patent under Section 34	—	Patents Form No. 40.
42. On notice of opposition to surrender of a patent...	2 10 0	Patents Form No. 41.
43. On application for endorsement of patent "Licences of Right"	1 5 0	Patents Form No. 42.
44. On application for settlement of terms of licence under patent endorsed "Licences of Right"	6 0 0	Patents Form No. 43.

		Corresponding Form
	£ s. d.	
45. On application by patentee for cancellation of endorsement of patent "Licences of Right"	2 10 0	Patents Form No. 44.
46. On application for cancellation of endorsement "Licences of Right"	2 10 0	Patents Form No. 45.
47. On notice of opposition to cancellation of endorsement of patent "Licences of Right"	2 10 0	Patents Form No. 46.
48. On application under Section 37 for grant of compulsory licence or endorsement of a patent "Licences of Right"	6 0 0	Patents Form No. 47.
49. On application under Section 40(1) for endorsement of patent "Licences of Right" or grant of licence	6 0 0	Patents Form No. 48.
50. On application under Section 40(3) for Order of Comptroller	6 0 0	Patents Form No. 49.
51. On application under Section 42 for revocation	6 0 0	Patents Form No. 50.
52. On opposition to application under Section 37, 40, 41 or 42	2 10 0	Patents Form No. 51.
53. On application for licence under Section 41	6 0 0	Patents Form No. 52.
54. On application under Section 55(1) for directions of Comptroller	6 0 0	Patents Form No. 53.
55. On application under Section 55(2) for directions of Comptroller	6 0 0	Patents Form No. 54.
56. On application under Section 56(1) to determine dispute	6 0 0	Patents Form No. 55.
57. On reference of dispute to Comptroller under Section 67(1)	6 0 0	Patents Form No. 56.
58. For altering name or nationality or address or address for service in register, for each patent	6 0	Patents Form No. 57.
59. On application for entry of name of subsequent proprietor in the register if made within six months from date of acquisition of proprietorship:—	1 5 0	Patents Form No. 58 or 60.
If made after the expiration of six months but within twelve months from the date of acquisition of proprietorship	3 0 0	" " "
If made after expiration of twelve months from date of acquisition of proprietorship	3 10 0	" " "
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	3 0	" " "
60. On application for entry of notice of a mortgage or licence in the register, if made within six months from date of acquisition of interest or the sealing of the patent (whichever is the later)	1 5 0	Patents Form No. 59 or 61.
If made after expiration of six months but within twelve months from date of acquisition of interest or the sealing of the patent (whichever is the later)	3 0 0	" " "
If made after expiration of twelve months from date of acquisition of interest or the sealing of the patent (whichever is the later)	3 10 0	" " "

		Corresponding Form
60.— <i>cont.</i>		
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	£ s. d. 3 0	Patents Form No. 59 or 61.
61. On application for entry of notification of a document in the register, if made within six months from date of document or the sealing of the patent (whichever is the later):—	1 5 0	Patents Form No. 62.
If made after expiration of six months but within twelve months from date of document or the sealing of the patent (whichever is the later)	3 0 0	” ” ”
If made after expiration of twelve months from date of document or the sealing of the patent (whichever is the later) ...	3 10 0	” ” ”
On each application covering more than one patent, for each additional patent referred to in the same document as the first patent	3 0	” ” ”
62. On application for entry in the register of claim to a licence under a patent extended under Section 23, 24 or 25	1 5 0	Patents Form No. 63.
63. On request to Comptroller to correct a clerical error:—		
Up to sealing	12 6	Patents Form No. 64.
After sealing	1 5 0	” ” ”
64. On notice of opposition to the correction of a clerical error	1 5 0	Patents Form No. 65.
65. For certificate of Comptroller under Section 77(1)	12 6	Patents Form No. 66.
66. On request for information as to a matter affecting a patent or an application therefor	1 5 0	Patents Form No. 67.
67. For duplicate of patent	3 10 0	Patents Form No. 68.
68. On notice of Order of Court	12 6	Patents Form No. 69.
69. On inspection of register or supply of an extract from register, or on inspection of original documents (other than provisional specifications), samples or specimens ...	2 6	
70. For typewritten office copies (every 100 words) (but never less than two shillings) ...	1 0*	
71. For photographic office copies and office copies of drawings	Cost according to agreement	
72. For office copy of patent	5 0	
73. For certifying office copies, MSS., printed or photographic each	3 0	
74. On written enquiry as to whether a patent or patents is or are in force;		
for one patent	1 0*	
for each additional patent included in the same enquiry	6*	

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules further amend the Patent Rules 1958.

With the exceptions indicated by asterisk, the fees payable under the Rules are increased.

The new fees become payable on or after 1st November 1964, except in the case of renewal fees paid in advance. Renewal fees in respect of any year beginning on or after 1st November 1964 are increased on 1st September 1964.

1964 No. 1341

CUSTOMS AND EXCISE

The Composite Goods Order 1964

<i>Made - - - -</i>	<i>24th August 1964</i>
<i>Laid before the House of Commons</i>	<i>28th August 1964</i>
<i>Coming into Operation</i>	<i>1st September 1964</i>

Whereas the continued use of the Customs Tariff 1959, in classifying goods for customs purposes, has been authorised by the Import Duties (General) (No. 3) Order 1961(a) and the composite goods to which this Order applies require to be classified accordingly:

And whereas it appears to the Treasury on the recommendation of the Commissioners of Customs and Excise that, in respect of composite goods of any description specified or indicated in this Order which are chargeable with duty in respect of hydrocarbon oil contained in them as a part or ingredient, it is inconvenient, and of no material advantage to the revenue or to importers of goods of any such description, to charge duty according to the quantity of hydrocarbon oil appearing to be used in the manufacture or preparation of the goods (as provided by section 259(1) of the Customs and Excise Act 1952(b), which section is in this Order referred to as "the principal section"):

Now, therefore, the Lords Commissioners of Her Majesty's Treasury by virtue of the powers conferred on them by Schedule 2 to the Finance Act 1957(c), hereby make the following Order:—

1. Any composite goods which, apart from small proportions of colouring matter or of additives, consist wholly of hydrocarbon oil shall be treated for the purpose of the duty of customs chargeable thereon as consisting wholly of hydrocarbon oil.

2. In the case of composite goods, other than those mentioned in Article 1 of this Order, which fall to be classified in any of the tariff subheadings indicated in the first column of the schedule to this Order (the general descriptions of which are indicated in the second column of that schedule) the duty of customs chargeable under the principal section in respect of hydrocarbon oils contained in the goods as a part or ingredient of them shall be calculated at the rate of 5½ per cent. of the value of the goods.

3. In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

"additive" means any substance commonly added in small proportions to hydrocarbon oils for the purpose of improving or modifying their quality or characteristics as fuel or as lubricants;

"composite goods" means goods which contain as a part or ingredient of them any article chargeable with hydrocarbon oil duty;

(a) S.I. 1961/403 (1961 I, p. 585).

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

(c) 5 & 6 Eliz. 2. c. 49.

“hydrocarbon oils” and “light oils” have the same meanings as in the Customs and Excise Act 1952;

“tariff subheading” means a subheading of the Customs Tariff 1959 as defined in Article 1(1) of the Import Duties (General) (No. 3) Order 1961.

4.—(1) This Order may be cited as the Composite Goods Order 1964.

(2) The Interpretation Act 1889(a) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on the 1st September 1964.

(4) The Composite Goods Order 1963(b) is hereby revoked.

M. A. Hamilton,

Martin McLaren,

Two of the Lords Commissioners
of Her Majesty's Treasury.

24th August 1964.

SCHEDULE

Goods chargeable with hydrocarbon oil duty at the rate of 5½ per cent. in respect of hydrocarbon oils contained in them as a part or ingredient.

<i>Tariff Subheading</i>	<i>General description of goods</i>
	The following, containing light oils:—
27.10(B)(1) 	Preparations containing not less than 70 per cent. by weight of petroleum or shale oils.
34.03(B)(1) 	Lubricating preparations containing less than 70 per cent. by weight of petroleum or shale oils.
38.18(B)(1)(a) }	Composite solvents and thinners for varnishes and similar products.
38.18(B)(2)(a) }	

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order revokes and replaces the Composite Goods Order 1963, so as to take account of Section 6(3) of the Finance Act 1964, which provides that no hydrocarbon oil duty shall be charged on imported composite goods containing hydrocarbon oil as a part or ingredient unless they are goods which should, according to their use, be classed with hydrocarbon oil.

The Order provides that, in respect of certain composite goods which should be so classed, some shall be charged with hydrocarbon oil duty as if they consisted wholly of hydrocarbon oils, and others (described in the schedule to the Order) shall be charged with that duty at an average rate of 5½ per cent. *ad valorem*.

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1963/1464 (1963 II, p. 2605).

1964 No. 1342

CUSTOMS AND EXCISE

The Import Duty Drawbacks (No. 7) Order 1964

<i>Made - - - -</i>	<i>24th August 1964</i>
<i>Laid before the House of Commons</i>	<i>28th August 1964</i>
<i>Coming into Operation</i>	<i>2nd September 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1. Schedule 1 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of imported articles or goods incorporating them), as amended by subsequent Orders under the Import Duties Act 1958(c), shall be further amended in accordance with the provisions of the Schedule to this Order.

2.—(1) This Order may be cited as the Import Duty Drawbacks (No. 7) Order 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 2nd September 1964.

M. A. Hamilton,

Ian MacArthur,

Two of the Lords Commissioners
of Her Majesty's Treasury.

24th August 1964.

(a) 6 & 7 Eliz. 2. c. 6.

(b) S.I. 1962/1685 (1962 II, p. 2040).

(c) See, in particular, S.I. 1963/603 (1963 I, p. 702).

(d) 52 & 53 Vict. c. 63.

SCHEDULE

DRAWBACKS ON EXPORTATION OF IMPORTED ARTICLES OR OF GOODS
INCORPORATING IMPORTED ARTICLES

1. Immediately after the entry relating to headings 02.01 and 02.06, there shall be inserted the following entry:—

“03.02 (fish, salted, in brine, dried or smoked) Allowable for dried salted split fish.”

2. After the entry relating to heading 48.18, there shall be inserted, before the cross-heading “Textiles and textile articles”, the following entry:—

“48.21 (miscellaneous articles of paper pulp, paper, paperboard or cellulose wadding) Allowable for rolled paper sticks of circular cross-section throughout, not more than $\frac{1}{4}$ inch in diameter, and not more than 6 inches and not less than 2 inches in length.”

3. The entry relating to heading No. 76.16 (miscellaneous articles of aluminium or aluminium alloys) shall be amended by the insertion of the following paragraph after paragraph (c):—

“(d) for terminal clamps for silicon carbide high temperature heating elements, but not on the exportation of goods (other than goods consisting only of the imported articles and any packing, container and get-up thereof) incorporating the imported articles.”

4. The entry relating to heading No. 85.12 (electric space and water heaters, electric hair dressing appliances and certain other electric appliances of a similar nature) shall be amended—

(a) by the insertion of “(a)” before “for hair driers”, and

(b) by the insertion, after “face driers and parts thereof”, of the following—

“(b) for silicon carbide high temperature heating elements with a heating temperature range that exceeds 1100° centigrade, but not on the exportation of goods (other than goods consisting only of the imported articles and any packing, container and get-up thereof) incorporating the imported articles.”

5. The entry relating to heading No. 85.19 (apparatus for making and breaking, protecting, connecting, regulating or controlling electrical circuits) shall be amended by the insertion of the following paragraph after paragraph (j):—

“(k) for terminal straps for silicon carbide high temperature heating elements, but not on the exportation of goods (other than goods consisting only of the imported articles and any packing, container and get-up thereof) incorporating the imported articles;”

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the allowance of drawback of import duty on the exportation of—

- (a) imported dried salted split fish,
- (b) specified imported rolled paper sticks,
- (c) specified imported silicon carbide high temperature heating elements,
and
- (d) imported terminal clamps and imported terminal straps for silicon carbide high temperature heating elements,

except that for items (c) and (d) drawback of import duty is not allowable on the exportation of goods incorporating the imported articles.

1964 No. 1343

CUSTOMS AND EXCISE**The Import Duties (Temporary Exemptions) (No. 7)
Order 1964***Made - - - - 24th August 1964**Laid before the
House of Commons 28th August 1964**Coming into Operation 2nd September 1964*

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 3(6) and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) Until the beginning of 1st January 1965 or, in the case of goods in relation to which an earlier day is specified in Schedule 1 to this Order, until the beginning of that day, any import duty which is the time being chargeable on goods of a heading of the Customs Tariff 1959 specified in that Schedule shall not be chargeable in respect of goods of any description there specified in relation to that heading.

(2) The period for which the goods of the headings of the Customs Tariff 1959 and descriptions specified in Schedule 2 to this Order are exempt from import duty shall be extended until the beginning of 1st January 1965 or, in the case of goods in relation to which an earlier day is specified in that Schedule, until the beginning of that day.

(3) Any entry in column 2 in Schedule 1 or 2 to this Order is to be taken to comprise all goods which would be classified under an entry in the same terms in the relevant heading in the Customs Tariff 1959.

(4) For the purposes of classification under the Customs Tariff 1959, in so far as that depends on the rate of duty, any goods to which paragraph (1) or (2) above applies shall be treated as chargeable with the same duty as if this Order had not been made.

2.—(1) This Order may be cited as the Import Duties (Temporary Exemptions) (No. 7) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 2nd September 1964.

*M. A. Hamilton,**Ian MacArthur,*

Two of the Lords Commissioners
of Her Majesty's Treasury.

24th August 1964.

SCHEDULE 1

GOODS TEMPORARILY EXEMPT FROM IMPORT DUTY

<i>Tariff Heading</i>	<i>Description</i>
12.01	Castor seed (until 4th November 1964)
28.23	γ -Ferric oxide
28.47	<i>di</i> Sodium molybdate (until 4th November 1964)
29.02	1:2-Dichloroethylene
29.06	3:4-Xylenol (-OH=1)
29.07	6:7-Dihydroxynaphthalene-2-sulphonic acid
29.13	5:11 α -Dihydroxy-6 β -methyl-5 α -pregnane-3:20-dione
29.14	Methyl chloroformate (until 4th November 1964)
29.20	Dimethyl carbonate (until 4th November 1964)
29.22	<i>N</i> -1:3-Dimethylbutyl- <i>N'</i> -phenyl- <i>p</i> -phenylenediamine Diisopropylamine <i>N</i> -Ethylaniline <i>m</i> -Phenylenediamine <i>m</i> -Tolidine dihydrochloride Tolylene-2:4-diamine
29.23	5-Aminosalicylic acid 5- <i>tert</i> Amyl-2-phenoxyaniline 4-(4-Chlorophenoxy)aniline 1:4-Di-(2:4:6-trimethylanilino)anthraquinone Protokylol hydrochloride
29.24	Tetraethylammonium chloride
29.26	Di-(2:6-diisopropylphenyl)carbodi-imine
29.33	Methylmercury hydroxide
29.35	3-Amino-1-phenylpyrazol-5-one 2-Cyanophenothiazine α -Cyclopentyl-2-thienylglycollic acid Diperodon Diperodon hydrochloride 1-Hydroxypyridine-2-thione, sodium derivative Hydroxyzine embonate
29.37	Decahydro-4a-hydroxy-2:8:8-trimethyl-2-naphthoic acid lactone 2:4-Dihydroxyquinoline, disodium derivative
30.03	Preparations, in the form of capsules, the contents of which include not less than 70 per cent. by weight of acetazolamide (until 4th November 1964)
32.07	Dispersions of carbon black in artificial plastics, containing not less than 6 per cent. by weight of carbon black, not less than 40 per cent. by weight of cellulose acetate butyrate and not less than 35 per cent. by weight of acrylic resin
38.11	Preparations containing not less than 7 per cent. by weight of 2:6-dichlorothiobenzamide and not more than 15 per cent. by weight of materials soluble in diethyl ether Preparations, liquid, containing not less than 35 per cent. by weight of <i>p</i> -chlorophenylthiomethyl <i>OO</i> -diethyl phosphorodithioate Preparations, liquid, containing not less than 65 per cent. by weight of <i>S</i> -ethyl di- <i>n</i> -propylthiocarbamate Preparations, liquid, containing not less than 65 per cent. by weight of <i>S</i> - <i>n</i> -propyl <i>n</i> -butylethylthiocarbamate Preparations, solid, containing not less than 45 per cent. by weight of <i>OO</i> -dimethyl phthalimidomethyl phosphorodithioate
38.14	Anti-knock preparations containing not less than 60 per cent. by weight of tetraethyl-lead (until 4th November 1964)

<i>Tariff Heading</i>	<i>Description</i>
38.19	Preparations, gaseous, containing not less than 0.002 per cent. by volume and not more than 1.5 per cent. by volume of selenium compounds calculated as hydrogen selenide, and having a value not less than £15 per cubic metre at standard temperature and pressure
81.02	Molybdenum, of a purity not less than 99.8 per cent., in the form of rods (whether or not threaded at the ends) not less than 55 inches nor more than 100 inches in length and not less than $1\frac{1}{8}$ inches nor more than $2\frac{1}{8}$ inches in diameter
97.04	Socks of knitted textile fabric, of a kind used for incorporation in ten-pin bowling pins

SCHEDULE 2

GOODS OF WHICH EXEMPTION FROM IMPORT DUTY EXTENDED

<i>Tariff Heading</i>	<i>Description</i>
29.02	<i>sym</i> Dichlorotetrafluoroethane 1:2:4-Trichlorobenzene (until 4th November 1964)
29.08	2:5-Ditertbutylperoxy-2:5-dimethylhexane (until 4th November 1964)
29.13	6 α -Fluoro-17 α :21-dihydroxy-16 α -methylpregn-4-ene-3:20-dione
29.14	4-Methylvaleric acid (until 4th November 1964)
29.31	2-Chloroallyl diethylthiocarbamate
29.35	Pemoline Trichloro <i>sym</i> triazinetriene
39.01	Nylon 6 in the forms covered by Note 3(b) of Chapter 39, containing not more than 2 per cent. by weight of titanium dioxide, but not otherwise compounded (until 4th November 1964) Polycondensation products of adipic acid and aliphatic alcohols, having an acetyl value of not less than 34 and not more than 38 and having an acid value of less than 1 (until 4th November 1964)
44.28	Work tops or work top material, moulded in one piece, having one edge upturned and the opposite edge downturned and thickened, made of wood particles bonded with synthetic resin, with the under-surface covered with brown paper impregnated with synthetic resin and with the upper surface finished with patterned paper impregnated with synthetic resins and with the core uncovered at the ends
70.01	Glass in the mass (other than optical glass) containing not less than 5 per cent. and not more than 11 per cent. by weight of fluorine calculated as F
73.02	Ferro-molybdenum
81.02	Molybdenum, of a purity not less than 99.8 per cent., in the form of rods of not less than 37 inches and not more than 100 inches in length and of not less than $1\frac{1}{8}$ inches and not more than $2\frac{1}{8}$ inches in diameter and whether or not threaded at the ends (until 1st October 1964)
81.04	Vanadium, unwrought, of a purity not less than 99 per cent. and containing not more than 0.1 per cent. of iron calculated as Fe (until 4th November 1964)
85.25	Porcelain insulators, fired in one piece, with an overall length, with or without metal fittings, of not less than 99 inches and not more than 101 inches and with 14 anti-fog type weathersheds tapering from a diameter of not less than $15\frac{1}{2}$ inches and not more than $16\frac{1}{2}$ inches over the top shed to a diameter of not less than $21\frac{1}{2}$ inches and not more than $22\frac{1}{2}$ inches over the bottom shed
87.06	Unfinished wheel rim parts, in the straight, exceeding 73 inches but not exceeding 78 inches in length, comprising rim base sections, not less than $12\frac{1}{2}$ inches wide, and the loose flange and lock-ring sections therefor

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

This Order provides that the goods listed in Schedule 1 shall be temporarily exempted from import duty, and those listed in Schedule 2 shall continue to be exempted from import duty, until 1st January 1965, unless a shorter period is indicated against any item.

1964 No. 1349

CUSTOMS AND EXCISE

**The Hydrocarbon Oil Duties (Rebates and Reliefs)
Regulations 1964**

<i>Made - - - -</i>	25th August 1964
<i>Laid before Parliament</i>	28th August 1964
<i>Coming into Operation</i>	1st September 1964

The Commissioners of Customs and Excise in exercise of the powers conferred on them by sections 198 and 200 of the Customs and Excise Act 1952(a) and section 6(5) of and Part I of Schedule 6 to the Finance Act 1964(b) hereby make the following Regulations:—

Approval of persons

1. Save when the Commissioners otherwise permit, a person seeking to be approved for any of the purposes of section 6 of the Finance Act 1964 shall make application in writing to the Commissioners in such form and manner, and give such particulars, as they may require.

2. In granting approval to a person or class of persons for any of the purposes of section 6 of the Finance Act 1964 the Commissioners may specify in the approval the descriptions of oil in respect of which the approval is granted and the premises at which and the purposes for which the oil is to be used, and may impose such other conditions as they see fit.

3. The Commissioners may at any time for reasonable cause revoke or vary the terms of any approval given under these Regulations.

4. In these Regulations a person approved for the purposes of section 6(2) of the Finance Act 1964 is called an approved repayment user and a person approved for the purposes of section 6(4) of the said Act is called an approved furnace operator.

5. An approved repayment user shall—

- (i) unless the Commissioners otherwise permit, before using any oil in respect of which he intends to claim repayment of duty, set the oil aside in storage space in vessels or places used solely for the storage of such oil;
- (ii) comply with the directions of the proper officer concerning the measurement, storage, processing, treatment, further use and disposal of any oil recovered after use as a material, solvent, extractant, preservative or finish in the manufacture or preparation of any article, and concerning the records and accounts to be kept of such oil;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

(b) 1964 c. 49.

- (iii) permit an officer to inspect any premises, vessels or apparatus in which any oil is received, used, stored or treated, in respect of which oil he intends to claim or claims repayment of duty, and to examine, take account of, and sample any oil or other goods on such premises ;
- (iv) provide all measures, gauges, calibration tables and appliances, and such facilities and assistance as may be required by an officer, necessary for the examination, taking account of or sampling of any such oil or other goods.

6. An approved furnace operator shall—

- (i) keep such records, and furnish to the proper officer such returns, of the receipt, storage, use and disposal of oil as the officer may require ;
- (ii) make available to an officer, and permit him to inspect and take extracts from, or copies of, such records of manufacture, operation or trading as the officer may require ;
- (iii) permit an officer to examine, take account of and sample any oil or other goods on the premises to which the approval relates ;
- (iv) provide all measures, gauges, calibration tables and appliances, and such facilities and assistance as may be required by an officer, necessary for the examination, taking account of or sampling of any such oil or other goods ;
- (v) comply with such conditions as the Commissioners may impose concerning the storage and movement of the oil, and the marking, adaptation or maintenance of storage tanks, vessels, appliances, pipe lines, valves and equipment ; and shall not, without the prior consent of the Commissioners, alter such tanks, vessels, appliances, pipe lines, valves or equipment ;
- (vi) take such measures as the Commissioners may require to prevent improper or unauthorised removal or use of oil on which rebate has been allowed under section 6(4) of the Finance Act 1964.

Claims for repayment of duty by an approved repayment user

7. Claims by an approved repayment user for repayment of duty—

- (i) shall be made in such form and manner and contain such particulars as the Commissioners may require ;
- (ii) shall be accompanied by such documents and particulars relating to the oil delivered to or used by, the approved repayment user as the Commissioners think necessary to deal with the claim.

8. Where any quantity of oil has been used partly for a purpose specified in section 6(1)(a) of the Finance Act 1964 and partly for another purpose, such part of that quantity shall be treated as used for each purpose as may be determined by the Commissioners.

9. No claim for repayment under these Regulations shall lie where the amount to be paid thereunder is less than £10.

10. Save as the Commissioners otherwise allow, no claim for repayment of duty shall be made in respect of oil used during a period of less than two months nor in respect of oil used more than twelve months before the date of the claim :

Provided that no claim for repayment of duty shall be made before 1st November 1964.

11. The Commissioners may require a claimant for repayment of duty to furnish proof of such matters as they think necessary to deal with his claim, and if such proof is not furnished to the satisfaction of the Com-

missioners the facts shall be deemed for the purposes of such claim to be such as the Commissioners may determine.

Marking of oil

12. No rebate of duty under section 199 of the Customs and Excise Act 1952 shall be allowed on the delivery for home use of gas oil, and no rebate of duty under section 6(4) of the Finance Act 1964 shall be allowed on the delivery for home use of light oil as mentioned in that sub-section, unless—

- (i) there have been added to the oil at the time, in the manner and in the proportions prescribed by these Regulations the markers and colouring substance prescribed by these Regulations in relation to that description of oil; or
- (ii) the Commissioners are satisfied that the oil has been marked and coloured outside the United Kingdom in such a way as to comply with the requirements of these Regulations and a declaration is furnished to that effect at the time of making entry of the said oil;

provided that the Commissioners may permit marking and colouring to be dispensed with in the case of oil delivered in such circumstances as they may allow, and subject to such conditions, including the giving of security, as they may impose.

13. For the purposes of section 6 of the Finance Act 1964—

- (i) the prescribed markers (hereinafter called “the markers”) in relation to gas oil and to light oil delivered as mentioned in section 6(4) of that Act are :—
 - (a) 1 : 4-dihydroxyanthraquinone ;
 - (b) furfuraldehyde ;
- (ii) the prescribed colouring substance (hereinafter called “the colouring substance”) is C.I.Solvent Red 24 as described in the Colour Index.

14. (i) The markers shall be added to the said gas oil and light oil in the following proportions :—

to every one hundred thousand imperial gallons of oil, not less than one and three quarter pounds of 1 : 4-dihydroxyanthraquinone and not less than nine pounds of furfuraldehyde.

(ii) The colouring substance shall be added to the said gas oil and light oil in the following proportions :—

to every one hundred thousand imperial gallons of oil, not less than four pounds of C.I. Solvent Red 24.

15. Except as otherwise allowed by the Commissioners and subject to such conditions as they may impose, the markers and the colouring substance shall be added to the oil in a tank or pipe approved by the Commissioners by a warehousekeeper or refiner before delivery of the oil for home use.

16. The markers and the colouring substance may, at the discretion of the warehousekeeper or refiner, be added to the oil in the form of a composite solution containing both such markers and such colouring substance and any reference in these Regulations to markers and colouring substance shall, except where the context otherwise requires, include a reference to such composite solution.

17. The composite solution shall be added in such quantity as to ensure the presence in the oil of the markers and the colouring substance in the proportions prescribed.

18. (i) While stored in any warehouse or refinery before addition to oil as required by these Regulations, the markers and the colouring substance shall—

(a) be kept separate from all other substances ; and

(b) except when removed for immediate use, be kept either within an approved area in containers bearing, or labelled with, a description of their contents or in an approved tank.

(ii) The warehousekeeper or refiner shall take stock of both the markers and the colouring substance which are stored or in use at the warehouse or refinery at the end of each calendar month or at such other time as the Commissioners may require.

19. (i) A warehousekeeper or refiner shall keep and maintain at the warehouse or refinery an account of both the markers and the colouring substance which are received into, stored in, or used in the warehouse or refinery.

(ii) The account shall show—

(a) the date of receipt, the person from whom received and the description and quantity of each of the markers and the colouring substance received ;

(b) the quantities of each of the markers and the colouring substance added each day to each description of oil in the warehouse or refinery and the quantity in imperial gallons of each description of oil to which those quantities of the markers and the colouring substance have been added.

(iii) The particulars required by this Regulation shall be entered in the account not later than noon of the day following that on which the markers and the colouring substance have been received or added to the oil.

(iv) The account shall include a balanced stock account made up to the end of each calendar month showing the quantities and descriptions of each of the markers and the colouring substance which are in the warehouse or refinery at the time of stocktaking.

(v) The account shall be kept at the warehouse or refinery and shall be produced on demand to an officer, who may make entries therein and take extracts therefrom.

(vi) The account specified in this Regulation shall be kept for not less than one year from the last date entered therein.

20. All oil in which either of the markers is present shall be stored separately from oil of other descriptions and from oil of the same descriptions in which neither of the markers is present.

21. When the Commissioners so require, any drum, storage tank, delivery pump or other container or outlet

(a) if it contains any heavy oil in which either of the markers is present, shall be indelibly labelled to the effect that such oil is not to be used as road fuel ;

(b) if it contains any light oil in which either of the markers is present, shall be indelibly labelled to the effect that such oil is to be used only as fuel in approved furnaces.

22. Any person who supplies any oil in which either of the markers is present shall furnish to the recipient a delivery note bearing a statement to the effect, in the case of marked gas oil, that such oil is not to be used as road fuel, and in the case of marked light oil, that such oil is to be used only as fuel in approved furnaces.

23. (i) No person shall add either of the markers to any oil except with the authority of the Commissioners.

(ii) No person shall add to any oil any substance which is calculated to impede the identification of either of the markers.

(iii) No person shall remove either of the markers or the colouring substance from any oil to which they, or any of them, have been added.

24. The importation is prohibited of any oil of a description required by these Regulations to be marked to which there has been added any substance calculated to impede the identification of either of the markers.

25. Oil on which rebate of duty is allowed under section 6(4) of the Finance Act 1964 on delivery for home use shall—

(i) be supplied only to an approved furnace operator ; and

(ii) be supplied only to such premises, and be of such description, as may have been specified in the written approval of such furnace operator.

General

26. (i) No allowance under section 206 of the Customs and Excise Act 1952 shall be paid in relation to any oil delivered for home use without payment of duty under section 6(1) of the Finance Act 1964.

(ii) No allowance under section 206 of the Customs and Excise Act 1952 and no drawback of customs or excise duty shall be allowed or paid in relation to any oil in respect of which a claim lies for repayment of duty under these Regulations.

27. (i) An officer may enter and inspect any premises, other than a private dwelling house, and may inspect, test or sample any oil on those premises, or any oil forming part of the fuel supply of, or in or on, any vehicle on those premises, whether or not such vehicle is in the same ownership as those premises, and the right of entry afforded to an officer by this Regulation shall extend to any vehicle for the time being used by him for carrying out the provisions of this Regulation.

(ii) Any person occupying or for the time being in charge of such premises shall, when required by an officer so to do, give facilities for inspecting, testing or sampling any oil found on those premises or forming part of the fuel supply of, or in or on, any vehicle.

(iii) An officer may examine any vehicle and may inspect, test or sample any oil forming part of the fuel supply thereof, or in or on any vehicle.

(iv) A person owning or for the time being in charge of a vehicle shall, when required by an officer so to do, and for the purpose of enabling him to search for, inspect, test or sample any oil forming part of the fuel

supply of the vehicle, open or cause to be opened the fuel tank or other source of fuel supply and remove or cause to be removed any device or obstruction which might hinder the officer from inspecting or taking a sample of such oil.

(v) The person in charge of any vehicle shall produce to an officer on demand all books or documents of whatsoever nature carried by him or on the vehicle relating to the vehicle or to any oil forming part of the fuel supply of, or in or on, the vehicle.

28. Every person concerned with the sale, purchase or disposal of any oil shall produce to an officer on demand any books or documents relating thereto.

29. No dark oil shall be sold for the purpose of being used as fuel for a heavy oil vehicle.

30. In these Regulations—

“approved” means approved by the Commissioners of Customs and Excise ;

“Colour Index” means the Colour Index, 2nd Edition (1956) compiled by the Society of Dyers and Colourists and the American Association of Textile Chemists and Colourists ;

“dark oil” means heavy oil which is darker than ASTM Color 3-0 in the Table of Glass Color Standards included in “Tentative Method of Test for ASTM Color of Petroleum Products” which bears ASTM Designation D 1500-58 T and which appears in Parts 17 and 18 of “1964 Book of ASTM Standards” published by the American Society for Testing and Materials, when the heavy oil and ASTM Color 3-0 are compared in the manner described in that publication for that method of test ;

“refiner” means the owner or occupier of any premises approved by the Commissioners for the treatment of hydrocarbon oil ;

“warehousekeeper” means the owner or occupier of a place of security approved under section 80(1) of the Customs and Excise Act 1952.

31. The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

32. These Regulations may be cited as the Hydrocarbon Oil Duties (Rebates and Reliefs) Regulations 1964 and shall come into operation on the 1st September 1964.

33. The Hydrocarbon Oils (Marking of Gas Oil) Regulations 1961(b) are hereby revoked.

25th August 1964.

A. W. Taylor,
Commissioner of Customs and Excise.

King's Beam House,
Mark Lane,
London, E.C.3.

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1961/861 (1961 II, p. 1689).

EXPLANATORY NOTE

(This Note does not form part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the procedure to be followed by persons applying for the approval of the Commissioners of Customs and Excise for the use of hydrocarbon oil without payment of duty, or on repayment of duty, as a material, solvent, etc. ; or for the use of light oil on rebate of duty as furnace fuel.

As regards oil in respect of which repayment of duty is claimed, and light oil used as furnace fuel, they prescribe the conditions to be observed by approved persons, and, as regards the former, the form and circumstances in which claims for repayment may be made.

The Regulations further prescribe that gas oil which is to be used otherwise than as road fuel, and light oil which is to be used as furnace fuel, shall be marked and coloured with specified quantities of two chemical markers and a colouring substance, as a condition of obtaining rebate of duty. The Regulations prescribe the method of adding these markers and colouring substance to the oil, storage requirements, and accounts to be kept.

The Regulations also provide for powers of inspection and sampling by Customs officers for the purposes of control of these reliefs from duty and rebates of duty, and prevention of abuse.

So far as the marking of gas oil is concerned, these Regulations replace the provisions of the Hydrocarbon Oils (Marking of Gas Oil) Regulations 1961, which are revoked.

1964 No. 1350

CUSTOMS AND EXCISE

The Hydrocarbon Oils (Restrictions on Mixing)
Regulations 1964

<i>Made - - - -</i>	25th August 1964
<i>Laid before Parliament</i>	28th August 1964
<i>Coming into Operation</i>	1st September 1964

The Commissioners of Customs and Excise in exercise of the powers conferred on them by section 6(5) of and Schedule 6 to the Finance Act 1964(a) hereby make the following Regulations:—

1. No person shall mix—

- (i) any fuel oil, gas oil or kerosene in respect of which rebate has been allowed under section 199 of the Customs and Excise Act 1952(b), or
- (ii) any light oil in respect of which rebate has been allowed under section 6(4) of the Finance Act 1964, or
- (iii) any hydrocarbon oil which has been delivered for home use without payment of duty under section 6(1) of the Finance Act 1964,

with any hydrocarbon oil on which no rebate has been allowed, except under and in accordance with the terms of a licence granted by the Commissioners and, where they so require, after paying an amount equal to

- (a) in the case of oil in respect of which rebate has been allowed, the rebate allowed on like oil at the rate for the time being in force ;
- (b) in the case of oil delivered without payment of duty, the duty chargeable on like oil at the rate for the time being in force.

2. In these Regulations “hydrocarbon oil”, “fuel oil”, “gas oil”, “kerosene”, “light oil” and “rebate” have the same meaning as in the Customs and Excise Act 1952.

3. The Interpretation Act 1889(c) applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. These Regulations may be cited as the Hydrocarbon Oils (Restrictions on Mixing) Regulations 1964 and shall come into operation on 1st September 1964.

25th August 1964.

A. W. Taylor,

Commissioner of Customs and Excise.

King's Beam House,
Mark Lane,
London, E.C.3.

(a) 1964 c. 49.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

(c) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note does not form part of the Regulations, but is intended to indicate their general purport.)

These Regulations prohibit the mixing of certain hydrocarbon oils, which are either wholly or partly relieved from duty, with other hydrocarbon oils which have borne duty at the full rate, except under a licence issued by the Commissioners of Customs and Excise, and subject to such conditions as they may impose.

1964 No. 1353

EDUCATION, ENGLAND AND WALES
**The Training of Teachers (Grant) Amending
Regulations 1964**
Made - - - - - 25th August 1964
Laid before Parliament 31st August 1964
Coming into Operation 1st September 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 100 of the Education Act 1944(a), hereby makes the following regulations:—

1. These regulations may be cited as the Training of Teachers (Grant) Amending Regulations 1964 and shall come into operation on 1st September 1964.

2. The existing regulations hereby amended are the Training of Teachers (Grant) Regulations 1959(b).

3. The following paragraphs are hereby substituted for paragraph (4) of regulation 8 of the existing regulations, which relates to teachers taking a course of further training and student nuns:—

“ (4) In respect of a teacher who is seconded on salary with the Secretary of State's approval to take a course of further training, no contribution shall be required towards tuition fees but maintenance grant shall not be paid.

(5) In respect of a student who is a member of a Religious Order responsible for his maintenance, no contribution shall be required towards tuition fees and a maintenance grant of £150 a year shall be paid.”

Given under the Official Seal of the Secretary of State for Education and Science on 25th August 1964.

(L.S.)

C. J. Chataway,

 Joint Under-Secretary of State for
Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The only amendment which these regulations make to the existing regulation 8 is to provide for the payment by the Secretary of State of a maintenance grant of £150 a year to student nuns.

 (a) 7 & 8 Geo. 6. c. 31.

(b) S.I. 1959/396 (1959 I, p. 1054).

1964 No. 1354

BUILDING SOCIETIES**The Building Societies (Designation for Trustee Investment) Regulations 1964**

Made - - - - - 25th August 1964
Laid before Parliament 1st September 1964
Coming into Operation 15th September 1964

The Treasury, in exercise of the powers conferred upon them by section 1(1) of the House Purchase and Housing Act 1959(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. The requirements to be fulfilled by a building society for the purposes of designation under section 1 of the House Purchase and Housing Act 1959 shall be as follows:—

- (a) the society's last annual return under section 88 of the Building Societies Act 1962(b) shall show that at the end of the financial year to which it relates the society fulfilled all the requirements set out in the Schedule to these Regulations;
- (b) all moneys owing by the society in respect of deposits, loans and overdrafts shall be wholly unsecured; and
- (c) the proportion (hereinafter referred to as "the ascertained proportion") ascertained in relation to the society at the end of the financial year to which its last annual return relates in accordance with section 22(2)(b) of the Building Societies Act 1962 (which specifies a proportion which determines the amount of the special advances which a building society may make) shall not exceed ten per cent.: Provided that, where the ascertained proportion exceeds ten per cent., the ascertained proportion shall be recalculated without taking into account any advances by reference to which permission has been granted under section 23 of the said Act (which relates to permission to exceed the limit on special advances for advances on property for letting as houses or flats), and, if the proportion so recalculated does not exceed ten per cent., the society shall be treated as fulfilling the requirement of this paragraph.

2.—(1) Where two or more building societies have united, the provisions of this Regulation shall apply until the united society has made its first annual return.

(2) Where each of the societies which have united was, immediately before the union, a society designated under section 1 of the House Purchase and Housing Act 1959, the united society shall be treated as fulfilling the requirements specified in Regulation 1(a) and (c) of these Regulations.

(3) In any other case—

- (a) the united society shall be treated as fulfilling the requirement specified in Regulation 1(a) of these Regulations if the last annual returns of all the societies which have united, if read together as if they were the

(a) 7 & 8 Eliz. 2. c. 33.

(b) 10 & 11 Eliz. 2. c. 37.

annual return of one society, show that such one society would have fulfilled all the requirements set out in the Schedule to these Regulations ; and

- (b) for the purpose of ascertaining whether the united society fulfils or shall be treated as fulfilling the requirement specified in Regulation 1(c) of these Regulations, the combined advances and arrears of interest of the societies which have united as at the end of the financial years to which their last annual returns relate shall be treated as if they were the advances and arrears of interest respectively of the united society.

3. The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. The Building Societies (Designation for Trustee Investment) Regulations 1959(b) are hereby revoked.

5. These Regulations may be cited as the Building Societies (Designation for Trustee Investment) Regulations 1964, and shall come into operation on 15th September 1964.

25th August 1964.

M. A. Hamilton,

Martin McLaren,

Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE

REQUIREMENTS WHICH ARE TO BE SHOWN BY THE BUILDING SOCIETY'S LAST ANNUAL RETURN TO BE FULFILLED

1. The total assets of the society amount to not less than five hundred thousand pounds.
2. The total liabilities of the society do not exceed twice the total amount due to the holders of all the society's shares.
3. The aggregate of :—
 - (a) the society's cash at the bank and in hand,
 - (b) the total book value or the total market value of its investments, whichever is the smaller, and
 - (c) interest accrued on its investments,
 reduced by the aggregate of—
 - (i) the amount of its liabilities in respect of loans from, and overdrafts with, its bankers, and
 - (ii) the total amount shown as "other liabilities" in its balance sheet, is not less than seven and one half per cent. of the total amount of the assets of the society reduced by the aggregate of—
 - (A) the total amount owing by the society in respect of any loans made to it under the House Purchase and Housing Act 1959, and
 - (B) any amount by which the total book value of the society's investments exceeds their total market value.

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1959/1010 (1959 I, p. 322).

4. The reserves of the society (not being reserves which have been set aside for a particular purpose), when added to any provision against depreciation of or losses on investments, and reduced by the aggregate of—

- (a) any amount by which the total book value of the society's investments exceeds their total market value, and
- (b) any amount recommended by the society's directors for distribution as interest, dividend or bonus, and not provided for in the society's annual return,

are not less than two and one half per cent. of the total amount of the assets of the society reduced by the aggregate of—

- (i) the total amount owing by the society in respect of any loans made to it under the House Purchase and Housing Act 1959,
- (ii) any amount by which the total book value of the society's investments exceeds their total market value, and
- (iii) the total amount of any reserves set aside for a particular purpose, other than any reserve against depreciation of or losses on investments:

Provided that, where the total amount of the said assets so reduced as aforesaid exceeds one hundred million pounds, the society shall be treated as fulfilling the requirement of this paragraph if the said reserves so added to and reduced as aforesaid are not less than the aggregate of two and one half per cent. of one hundred million pounds and two per cent. of the amount by which the total amount of the said assets so reduced as aforesaid exceeds one hundred million pounds.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the requirements which a building society must fulfil to the satisfaction of the Chief Registrar of Friendly Societies before he may designate it under section 1(1) of the House Purchase and Housing Act 1959. When a society has been so designated its shares and deposits become authorised investments for trustees subject to the provisions of the Trustee Investments Act 1961.

These Regulations replace the Building Societies (Designation for Trustee Investment) Regulations 1959. The main changes are:—

- (i) a $\frac{1}{2}$ per cent. reduction in the proportion of reserves which a society needs to maintain in relation to assets in excess of £100 million ;
- (ii) a requirement that not more than 10 per cent. of the amount outstanding on a society's advances shall be owed by bodies corporate or persons indebted to the society for more than the prescribed sum (at present £7,000) ;
- (iii) provisions governing the designation of recently united societies which have not yet produced a joint annual return.

1964 No. 1360 (S. 89)

SEEDS**The Seed Potatoes (Retail Sales) General Licence (No. 2)
(Scotland) 1964***Made - - - - - 25th August 1964**Coming into Operation 26th August 1964*

Whereas section 1 of the Seeds Act 1920^(a) and regulations 11(1) and 11(2) of the Seed Potatoes (Scotland) Regulations 1963^(b) require the seller of seed potatoes to deliver to the purchaser within the time therein stated a sale note, delivery note, invoice or other document containing certain particulars ;

And Whereas I am satisfied that the circumstances connected with the sale by retail of seed potatoes are such that compliance with the provisions of the said section, so far as carried into effect by said regulations 11(1) and 11(2) and so far as they relate to the sale by retail of quantities comprising not more than 2 hundredweights of any one variety of seed potatoes (not being sales where compliance with such provisions is exempted by virtue of regulation 11(3) of the aforesaid Regulations), cannot reasonably be enforced and that an exemption should be granted so as to apply generally to all persons as regards such provisions in relation to such sales, subject to the requirements of this licence ;

Now therefore in exercise of the powers conferred upon me by section 1(7) of the Seeds Act 1920 and of all other powers enabling me in that behalf and in accordance with regulation 14 of the Seed Potatoes (Scotland) Regulations 1963 I hereby grant the following licence :—

1. This licence, which may be cited as the Seed Potatoes (Retail Sales) General Licence (No. 2) (Scotland) 1964 shall come into operation on 26th August 1964 and shall cease to have effect on 31st July 1965.

2. On the sale by retail of a quantity of seed potatoes comprising not more than 2 hundredweights of any one variety (not being a sale where compliance with the requirements hereinafter mentioned is otherwise exempted) the seller is hereby exempted from compliance with the requirements of section 1 of the Seeds Act 1920 so far as carried into effect by regulations 11(1) and 11(2) of the Seed Potatoes (Scotland) Regulations 1963: Provided that the potatoes are sold in new containers upon each of which has been printed, or otherwise legibly and indelibly marked, or attached to each of which is a label marked with, the particulars referred

(a) 10 & 11 Geo. 5. c. 54.

(b) S.I. 1963/1590 (1963 III, p. 2977).

to in sub-paragraphs (a) to (e) inclusive of the said regulation 11(1), and also, in the case of certified seed potatoes, the particulars referred to in sub-paragraphs (a) and (b) of the said regulation 11(2).

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th August 1964.

EXPLANATORY NOTE

(This Note is not part of the licence, but is intended to indicate its general purport.)

The Seed Potatoes (Scotland) Regulations 1963 require certain particulars to be given, on or after the sale of seed potatoes, in a documentation. There is an exemption from this requirement where less than 1 hundredweight of potatoes are sold by retail in new containers marked or labelled with the particulars.

This licence extends the exemption to all sales, in like circumstances, of quantities not exceeding 2 hundredweights of a single variety.

1964 No. 1361

AGRICULTURE

**The Price Stability of Imported Products (Levy Revocation)
Order 1964**

Made - - - - 27th August 1964

Coming into Operation 28th August 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Price Stability of Imported Products (Levy Revocation) Order 1964 ; and shall come into operation on 28th August 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the order hereby revoked were Acts of Parliament.

2. The Price Stability of Imported Products (Country Levy) Order 1964(c) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th August 1964.

(L.S.)

A. J. D. Winnifrith,
Secretary.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order, which comes into operation on 28th August 1964, revokes the Price Stability of Imported Products (Country Levy) Order 1964 (S.I. 1964/1226) and thereby removes the country levy of 5s. per ton on imports of wheat grown in France and consigned to the United Kingdom from that country.

(a) 1964 c. 28. (b) 52 & 53 Vict. c. 63. (c) S.I. 1964/1226 (1964 II, p. 2853).

1964 No. 1362

CUSTOMS AND EXCISE

ANTI-DUMPING AND COUNTERVAILING DUTIES

The Anti-Dumping Duty Order 1964

Made - 27th August 1964
Laid before the
House of Commons 2nd September 1964
Coming into Operation 3rd September 1964

Whereas it appears to the Board of Trade

- (1) that goods of the descriptions specified in the Schedule hereto have been imported into the United Kingdom in circumstances in which under the provisions of the Customs Duties (Dumping and Subsidies) Act 1957^(a) they are to be regarded as having been dumped ; and
- (2) that, having regard to all the circumstances, it would be in the national interest to impose a duty of customs to meet the dumping of such goods :

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by sections 1, 2 and 3 of the Customs Duties (Dumping and Subsidies) Act 1957 hereby make the following Order:—

1. There shall be charged on the import into the United Kingdom of any goods of a description specified in the second column in the Schedule hereto (being goods classified in accordance with the Customs Tariff 1959^(b) under the heading mentioned in the first column in that Schedule) a duty of customs at the relevant rate specified in the third column.

2. Section 3 of the Customs Duties (Dumping and Subsidies) Act 1957 (which provides for giving relief from any duty imposed under that Act) shall apply in relation to the duty imposed by this Order.

3. This Order may be cited as the Anti-Dumping Duty Order 1964 and shall come into operation on 3rd September 1964.

Edward Heath,
 President of the
 Board of Trade.

27th August 1964.

(a) 5 & 6 Eliz. 2. c. 18.

(b) See S.I. 1961/403 (1961 I, p. 585).

SCHEDULE

Relevant Tariff Heading	Description of Goods	Rate of Duty
29.15	Maleic anhydride originating in Austria	£1 9s. 0d. per ton.
29.15	Maleic anhydride originating in the Federal Republic of Germany	£12 4s. 0d. per ton.
29.15	Fumaric acid originating in the Federal Republic of Germany	£14 0s. 0d. per ton.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order imposes an anti-dumping duty of £1 9s. 0d. per ton on maleic anhydride originating in Austria, and similar duties of £12 4s. 0d. per ton and £14 0s. 0d. per ton respectively on maleic anhydride and fumaric acid originating in the Federal Republic of Germany.

1964 No. 1371 (S. 90)

HOUSING, SCOTLAND

The Housing (Management of Houses and Buildings in Multiple Occupation) (Scotland) Regulations 1964

Made - - - - - 27th August 1964
Laid before Parliament 4th September 1964
Coming into Operation 10th September 1964

In exercise of the powers conferred on me by section 13 of the Housing Act 1961(a) as applied to Scotland by section 71 of the Housing Act 1964(b) subject to the adaptations set out in Parts I and II of Schedule 3 to the said Act of 1964 and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I—PRELIMINARY

Application, citation and commencement

1.—(1) These regulations apply to—

(a) any house which, or a part of which, is let in lodgings or which is occupied by members of more than one family; and

(b) any such building as is mentioned in Regulation 2(2)(a) of these regulations,

being a house or building as the case may be, in respect of which an order under section 12 of the Act of 1961 is for the time being in force.

(2) These regulations may be cited as the Housing (Management of Houses and Buildings in Multiple Occupation) (Scotland) Regulations 1964, and shall come into operation on 10th September 1964.

Interpretation

2.—(1) In these regulations the following expressions have the meanings hereinafter assigned to them, namely—

“the Act of 1961” means, subject to paragraph (4) of this regulation, the Housing Act 1961;

“the Act of 1964” means the Housing Act 1964;

“flat” means a separate 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;

“management order” means an order under section 12 of the Act of 1961 applying the regulations to a house and “the relevant management order”, in a reference to a house or part of a house, means the management order in force with respect to that house;

“ manager ”, in relation to a house, means the person who is an owner or a lessee of the house and who, directly or through an agent or trustee, receives or is entitled to receive rent or other payments from persons who are tenants of parts of the house, or who are lodgers ; and, where those rents or other payments are received through another person as his agent or trustee, includes that other person ;

“ the Rent Acts ” means the Rent and Mortgage Interest Restriction Acts 1920 to 1939(a) ;

“ rents ” means rents or other payments from tenants of parts of a house, or from lodgers therein, and “ the rents ”, in relation to a person who is an owner or lessee of a house or an agent or trustee through whom rents are received, means such rents or other payments as are received by, or through that person ;

“ staircase ” includes a landing ;

“ standard amenities ” has the like meaning as in section 43(1) of the Act of 1964 ;

“ tenement ” means a building which as constructed contained, and which contains, two or more flats.

(2) In these regulations—

(a) references to a house include references to—

- (i) a building which is not a house but comprises separate dwellings, two or more of which do not have a sanitary convenience and personal washing facilities accessible only to those living in the dwelling,
- (ii) a building which is not a house but comprises separate dwellings, two or more of which are wholly or partly let in lodgings or occupied by members of more than one family, and
- (iii) a building comprising a tenement, all or any of the dwellings in which were, on 13th November, 1963, without one or more of the standard amenities,

(being in any case a building all the dwellings in which are owned by the same person) ;

(b) references to a lessee of a house include references to—

- (i) a tenant or subtenant of the house,
- (ii) any person holding the interest of lessee under a sub-lease of the house, and
- (iii) any person who retains possession of the house by virtue of the Rent Acts and not as being entitled to any tenancy ;

(c) references to a person having an estate or interest in a house include references to a person who retains possession of the house by virtue of the Rent Acts as aforesaid ; and

(d) references to an agent or trustee shall include a reference to a tutor, curator or factor.

(3) Any requirement of these regulations (however expressed) with respect to repair shall be construed as requiring a standard of repair that is reasonable in all the circumstances, and in determining the appropriate standard of repair for a room in, or for any part of, a house regard shall be had to the age, character and prospective life of the house.

(a) See 2 & 3 Geo. 6. c. 71.

(4) Any reference in these regulations to a provision of the Act of 1961 shall be construed as a reference to that provision as applied to Scotland by section 71 of the Act of 1964 subject to the adaptations set out in Parts I and II of Schedule 3 to that Act and as so applied set out in Part III of the said Schedule 3.

(5) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II—DUTIES OF MANAGEMENT

General

3.—(1) When a management order is made as respects any house it shall be the duty of a person who is manager of the house by virtue of being an owner or lessee thereof who receives the rents—

(a) if he does not live in the house, to make such arrangements (including arrangements for adequate supervision of the house) as may be necessary to enable him, directly or through an agent authorised in that behalf, to discharge effectively his obligations under the following regulations ;

(b) in any case, to inform any person who is his agent or trustee, and through whom he receives the rents, that the order has been made and that these regulations accordingly apply to the house and impose obligations on that person.

(2) Where a person who is manager of a house by virtue of being an agent or trustee through whom rents are received is aware that some action is required to discharge an obligation of the manager under the following regulations, he shall, unless he discharges that obligation himself, take such steps as may be necessary to bring the need for action promptly to the attention of the owner or lessee of the house who receives the rents through him ; and where he receives from the local authority a material complaint with respect to management of the house of which he is manager as aforesaid, such a person shall, if required by the authority so to do,—

(a) transmit that complaint to the said owner or lessee, and

(b) provide the local authority with the name and address of the person to whom the complaint is accordingly transmitted ;

but this paragraph shall not be taken as exempting a person who is a manager of a house by virtue of being an agent or trustee through whom rents are received from the obligations imposed on managers by the following regulations or from liability for failure without reasonable excuse to comply with them.

(3) Nothing in the following regulations shall be taken to require or authorise anything to be done in connection with water supply, drainage, or the supply of gas or electricity otherwise than in accordance with any enactment relating thereto, or to oblige the manager of a house to take, in a matter connected therewith, any action which is the responsibility of a local authority or statutory undertaker, other than such action as may be necessary to bring the matter promptly to the attention of the local authority or statutory undertaker concerned.

(4) In this regulation—

(a) “enactment” includes an enactment in any local act and an order, rule, regulation, byelaw or scheme made under or by virtue of any Act, including any order or scheme confirmed by Parliament ;

- (b) "statutory undertaker" means any person authorised by an enactment to construct, work or carry on any undertaking for the supply of gas, electricity or water or other public undertaking.

Water supply and drainage

4.—(1) The manager shall ensure that all means of water supply and drainage in the house (including the curtilage, if any) are in and are maintained in a proper state of repair, a clean condition and good order, and shall, in particular, ensure—

- (a) that any tank, cistern or similar receptacle, provided for the storage of water for drinking or other domestic purposes is effectively covered, and that all such receptacles and the water stored in them are kept in a clean and proper condition ;
- (b) that any water fitting which is so placed, whether inside or outside the house, as to render it liable to damage by frost shall (unless it is an overflow pipe) be reasonably protected against such damage.

For this purpose "water fitting" includes any pipe (other than a main), tap, cock, valve, ferrule, meter, cistern, bath, water closet, soil pan or other similar apparatus used in connection with the supply or use of water.

(2) The manager shall not unreasonably cause a supply of water to any tenant or lodger in the house to be interrupted.

Supply of gas and electricity and installation for lighting and heating

5.—(1) The manager shall ensure that the installations in the house—

- (a) for the supply of gas and electricity,
- (b) for lighting, and
- (c) for space heating or heating water,

serving any part of the house used in common by persons living in the house, are in and are maintained in repair and proper working order, and that installations for lighting in places to which this regulation applies are readily available for use by tenants and lodgers to such extent and at such times as those persons may reasonably require.

(2) The last foregoing paragraph shall extend to installations for lighting on staircases and at entrances to the house which are used by tenants or lodgers, whether in common or otherwise, except any staircase which is comprised in a part of the house let to a tenant or lodger as his living accommodation and which either does not open directly on to a part of the house used in common or is separated from such part by a door.

(3) The manager shall not unreasonably cause a supply of gas or electricity to any tenant or lodger in the house to be interrupted.

Rooms and installations used in common by persons living in the house

6.—(1) The manager shall ensure that the following rooms and installations in the house (including the curtilage, if any) are in and are maintained in a proper state of repair (including, where appropriate, reasonable decorative repair), a clean condition and good order:—

- (a) all rooms used in common by persons living in the house, not being parts of the house to which the next following regulation relates ;
- (b) such of the following installations as are used in common by persons living in the house, namely, sanitary conveniences, baths, sinks, wash-basins, and installations for cooking or for storing food ;

(c) in the case of any room used in common by persons living in the house, being a kitchen, bathroom, water closet, lavatory or washhouse, such installations therein (if any) as are not subject to any of the foregoing provisions of these regulations.

(2) Nothing in this regulation shall oblige the manager to repair, keep in repair or maintain anything which a tenant or lodger is entitled to remove from the house.

Other parts of the house used in common by persons living in the house

7.—(1) The manager shall ensure that such of the following parts of the house as are used in common by persons living in the house are in and are maintained in a proper state of repair (including reasonable decorative repair), a clean condition and good order and are kept reasonably free from obstruction:—

- (a) staircases, passageways and corridors ;
- (b) halls and lobbies ;
- (c) entrances to the house, including entrance doors, porches and entrance steps ;
- (d) balconies.

(2) The last foregoing paragraph shall extend to any staircase, passageway, or corridor which gives access to the living accommodation of a tenant or lodger in the house and which, though not itself used in common, opens directly on to a part of the house so used from which it is not separated by a door.

(3) The manager's duties under this regulation shall, without prejudice to the generality thereof, include duties to ensure (in places to which this regulation applies) that all handrails, railings, balustrades, and banisters are kept in good order and repair, that any missing handrails, railings, balustrades, and banisters are replaced, and that such additional handrails, railings, balustrades, and banisters as are necessary for the safety of tenants or lodgers living in the house are provided.

Accommodation let to tenants or lodgers

8.—(1) The following provisions of this regulation shall have effect with respect to the repair and maintenance of premises (being a room or set of rooms in a part of any house to which the regulations apply) which are let to a tenant or lodger as his living accommodation, and to the repair and maintenance of the installations therein, but shall be without prejudice to other provisions of these regulations insofar as they may extend to such premises or installations.

(2) It shall be the duty of the manager, when he lets any premises as aforesaid, to ensure at the commencement of the letting—

- (a) that the premises are, internally, in a reasonable state of structural repair, and in a clean condition ; and
- (b) that the installations therein for the supply, and for making use of the supply, of water, gas and electricity, and for sanitation (including installations therein for space heating or heating water) are in a reasonable state of repair and proper working order.

(3) With respect to premises which on the date of the making of the relevant management order are let to a tenant or lodger as his living accommodation, it shall be the duty of the manager, subject to the provisions

of paragraph (5) of this regulation, to take within a reasonable time thereafter such steps (if any) as may be necessary—

- (a) to put the premises, internally, in a reasonable state of structural repair; and
- (b) to put in a reasonable state of repair and proper working order the installations in the premises—
 - (i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and
 - (ii) for space heating or heating water.

(4) While premises to which this regulation applies are occupied by a tenant or lodger as his living accommodation it shall be the duty of the manager, subject to the provisions of the next following paragraph, to ensure that the installations falling within sub-paragraph (b) of the last foregoing paragraph are kept in repair and proper working order:

Provided that the manager shall not be required by this paragraph to carry out any repair the need for which arises in consequence of use of the premises otherwise than in a tenant-like manner by the person to whom they are let.

(5) Nothing in this regulation shall oblige the manager to repair, keep in repair or maintain anything which a tenant or lodger is entitled to remove from the premises.

Roof, Windows and Ventilation

9.—(1) The manager shall ensure that all windows and other means of ventilation in any part of the house occupied or used (whether in common or otherwise) by tenants or lodgers, are in and are maintained in good order and repair:

Provided that, save insofar as may be necessary for the proper discharge of any other of his duties under these regulations, the manager shall not be required to carry out, in a part of the house which is for the time being let to a tenant or lodger as his living accommodation, any repair to a window or other means of ventilation the need for which arises after the date of the relevant management order in consequence of use of that part otherwise than in a tenant-like manner by the person to whom it is let.

(2) The manager shall ensure that the roof of the building comprising the house or, so far as under his control, the roof of the building of which the house forms part, is in and is maintained in good order and repair.

Means of escape from fire

10.—(1) The manager shall ensure that all means of escape from fire in the house (including any escape apparatus) are in and are maintained in proper repair and good order and are kept free from obstruction, and that there are displayed in the house with respect to such means of escape as aforesaid (other than any exit in ordinary use) such notice as the local authority, after consultation with the fire authority for the area in which the house is situated, may, if they think fit, reasonably require.

(2) In this regulation, the expression “fire authority” means in relation to any area, the authority for the time being constituted the fire authority for that area under the Fire Service Act 1947, except that in relation to an

area the fire brigade for which is administered by such a joint committee as is mentioned in section 36(4)(b) of that Act, it means that joint committee.

Miscellaneous parts of the premises

11.—(1) The manager shall ensure that every outbuilding, yard, area and forecourt, which belongs to the house and is used in common by persons living in the house, is in and is maintained in a proper state of repair, a clean condition and good order, and that any garden so used belonging to the house is kept in a tidy condition.

(2) The manager shall ensure that boundary walls, fences and railings (including basement areas railings), insofar as they belong to the house, are kept and maintained in reasonable repair so as not to constitute a danger to persons living on the premises.

(3) If any part of the house is subject to a closing order, or not in use, the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(4) In this regulation “closing order” means an order made by a local authority under section 9(1) of the Housing (Scotland) Act 1950.

Disposal of refuse and litter

12. The manager shall ensure that refuse and litter are not allowed to accumulate in, or in the curtilage of, the house save where properly stored pending disposal, and to that end he shall, in particular,—

(a) provide, and maintain the provision of, suitable refuse and litter bins or other suitable receptacles on a scale adequate to the requirements of tenants and lodgers in the house except insofar as such provision is made by the local authority, and

(b) make such supplementary arrangements for the disposal of refuse and litter from the house as may be necessary having regard to any existing service provided by the local authority.

General safety of occupants

13. The manager shall ensure that such precautions are taken as are reasonably required, having regard to structural conditions in the house and to the number of persons living there, to protect tenants and lodgers and members of their households from injury as the result of those conditions; and in particular he shall (without prejudice to any of his foregoing obligations) ensure as respects any roof or balcony which is not in all respects safe, either that reasonable measures are taken to prevent access thereto or that it is made safe, and that such safeguards as may be necessary are provided against the danger of accidents resulting from the presence on staircases and landings of windows, the sills of which are at or near floor level.

PART III—ANCILLARY PROVISIONS

Manager's duty to display certain documents for information

14.—(1) The manager of a house to which these regulations apply shall cause to be displayed in a suitable position in the house so as to be readily accessible to the occupants—

(a) a notice containing the name and address of the person (or of each person) who is a manager of the house, describing him as manager and, where appropriate as agent or trustee for the receipt of rents;

- (b) a copy of the relevant management order and a copy of these regulations ; and
- (c) if the local authority so require, such notice as the authority may provide for indicating briefly the main provisions of these regulations relating to management of the house and the provisions of the Act of 1961 as respects failure to comply with them ;

and he shall take all reasonable steps to ensure that the documents which are displayed in accordance with this regulation remain so displayed (with any requisite amendments) while the relevant management order is in force.

(2) The manager shall make such amendments to the foregoing documents as may from time to time be required, and, in the case of amendments of these regulations and to the notice referred to in subparagraph (c) of the last foregoing paragraph, as are brought to his attention by the local authority.

Manager's duty to inform local authority about occupancy of the house

15. The manager of a house to which these regulations apply shall, when required by the local authority so to do, provide the authority with such of the following particulars as they may require (and in such time and manner as they may reasonably specify) with respect to occupancy of the house, or, where part only of the house is occupied by tenants or lodgers, with respect to occupancy of that part:—

- (a) the number of individuals and households accommodated ;
- (b) the number of individuals in each household ;
- (c) the ages and sex of those individuals ;
- (d) the purpose for which each room in the house, or in the relevant part of the house is being used.

Duties of occupants

16. With a view to ensuring that the manager can effectively carry out the duties with which he is charged by these regulations, it shall be a general obligation of tenants and lodgers and members of their households, accommodated in the house, to take reasonable care not to hinder or frustrate the due performance of those duties, and in particular, every such person, insofar as he is able, shall—

- (a) allow the manager, at all reasonable times, to enter any room or other place comprised in that person's tenancy or lodging, for purposes connected with the carrying out by the manager of his duties ;
- (b) provide the manager, at his request, with all such information as he may reasonably require for the purpose of his duties ;
- (c) comply with any reasonable arrangements made by the manager for the storage and disposal of refuse and litter ; and
- (d) take reasonable care to avoid causing damage to anything which the manager is obliged by these regulations to keep in repair.

Register of managers

17.—(1) The local authority shall maintain a register of the names and addresses of persons who are for the time being managers of houses to which these regulations apply, and shall include therein such particulars as they reasonably believe to be correct relating to the capacity in which such persons are managers, that is to say whether as owners or lessees receiving rents, or as agents or trustees through whom rents are received.

(2) As soon as may be after making or amending an entry in the register in reliance on information obtained otherwise than from the person to whom such entry relates the local authority shall take reasonable steps to bring the entry or amendment to the notice of the said person.

(3) The local authority shall, at the request of a person who appears to them to have an interest or prospective interest in a house, to be resident therein, or to be otherwise sufficiently concerned therewith, disclose to him the contents of any entry in the register relating to that house.

Provision of information by persons with an estate or interest in a house

18.—(1) When a management order is made in respect of a house, an owner or lessee of the house who receives or is entitled to receive the rents shall, on being served with a copy of the order and warned in writing (whether by means of a note appended to the copy of the order or otherwise) of the requirements of this paragraph, provide the local authority with the following information—

- (a) his name and address,
- (b) particulars of his estate or interest in the house,
- (c) particulars sufficient to show what parts of the house are let to tenants, or lodgers, from whom he is in receipt of rents, and
- (d) the name and address of any agent or trustee through whom he receives such rents.

(2) Without prejudice to any other requirement of this regulation, a person who has an estate or interest in a house or any part of a house to which these regulations apply shall, at the request of the local authority, provide the authority, with such of the following items of information as they may require, namely :—

- (a) any of those mentioned in the last foregoing paragraph ;
- (b) the name and address of any other person known to him to be manager of the house, with particulars showing how he knows that such person is manager ;
- (c) if he is a person who receives the rents through another person as his agent or trustee, whether, and in what respects, such other person is authorised to act in matters connected with the management of the house apart from the receipt of rents.

(3) An owner or lessee of a house to which these regulations apply shall, if at any time he appoints a person to receive the rents as his agent or trustee, forthwith give the local authority notice of the fact together with the name and address of the person appointed.

(4) A person who acquires or ceases to hold an estate or interest in a house to which these regulations apply shall, if he thereby becomes or ceases to be manager of the house, forthwith give the local authority notice of the fact together with particulars of the estate or interest which he has acquired or ceased to hold, and, where he has sold or transferred the estate or interest to some other person, the name and address of that person.

(5) The information called for by or under this regulation shall, except insofar as the local authority may in any particular case otherwise allow, be provided to the authority in writing ; and any information requested by the local authority under paragraph (2) of this regulation shall be given to them within such time, if any, as they may reasonably specify.

Procedural arrangements with managers

19. To assist the efficient management of houses in accordance with these regulations a local authority may, by agreement with a person who is manager of any house in respect of which they have made a management order, make arrangements as to the manner in which business relating to management of the house shall normally be conducted between the authority and that person, and, where there is more than one person who is manager of the house, such arrangements may provide for any business as aforesaid to be conducted with one such person in the first instance; but arrangements made in pursuance of this regulation shall be without prejudice to any of the local authority's powers in relation to houses to which these regulations apply.

Michael Noble,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

27th August 1964.

NOTE

Penalties

Section 13(4) of the Act of 1961 provides that if any person knowingly contravenes or without reasonable excuse fails to comply with any regulation under that section as applied under the Act in relation to any house he shall be liable on summary conviction—

- (a) where he has not previously been convicted of an offence under that section, to a fine not exceeding £20, and
- (b) where he has previously been convicted of an offence under that section, to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, or to both.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, which are made by the Secretary of State for Scotland under section 13 of the Housing Act 1961, as amended and extended to Scotland by section 71 of the Housing Act 1964, provide a Code of Management which a local authority may apply, by order under section 12 of the Act of 1961, to any house wholly or partly let in lodgings or occupied by members of more than one family, which is in an unsatisfactory condition in consequence of defective management. In the case of a building or tenement which comprises separate dwellings, all of which are owned by the same person, the regulations may be applied in certain circumstances to the building as a whole instead of to individual dwellings therein.

The regulations are in three parts. In Part I, regulation 2 provides for the interpretation of expressions employed.

Part II contains the principal duties of management, with introductory provisions in Regulation 3. Managers of premises to which the regulations apply are required to ensure the good order, repair and cleanliness, as appropriate, of the following—

means of water supply and drainage (Regulation 4); lighting and heating installations (Regulation 5); rooms, and installations of certain kinds, used in common by persons living in the house (Regulation 6); other parts of the premises (mainly used in common by persons living in the house), such as halls, staircases, passageways, etc. (Regulation 7); roof, windows and other means of ventilation (Regulation 9); means of escape from fire (Regulation 10); common outbuildings, yards, gardens etc. (Regulation 11).

Managers are also required to ensure that refuse is satisfactorily dealt with (Regulation 12) and that reasonable precautions are taken to protect residents from injury as a result of structural conditions in the premises (Regulation 13). In addition, managers have certain obligations under Regulation 8 in respect to parts of premises (and installations therein) let to tenants or lodgers as their living accommodation. These are, primarily, to ensure that such accommodation is in a fit condition when they let it (Regulation 8(2)), but defects in accommodation which is already let when the regulations are applied must be remedied (Regulation 8(3)), and there is a continuing obligation to keep certain installations in repair except where the tenant or lodger is at fault (Regulation 8(4)).

The provisions of Part III are ancillary. The manager of a house to which the regulations apply is required to display therein certain documents (including a copy of the regulations) for the information of the occupants (Regulation 14) and to provide the local authority, on request, with particulars of the occupants and use of rooms (Regulation 15). Regulation 16 imposes obligations on the occupants of premises for the purpose of ensuring that the manager can effectively carry out his duties. Regulation 17 requires the local authority to keep a register of managers, containing their names and addresses and other relevant particulars, and provides for the disclosure of entries to persons concerned. Regulation 18 enables local authorities to obtain, from persons who have an estate or interest in premises to which the regulations are applied, relevant information about the managers of such premises. Regulation 19 provides for arrangements which local authorities may consider it expedient to make with managers, where practicable, to assist compliance with the regulations, particularly in cases where more than one person is by definition manager of a house.

1964 No. 1379

SUGAR

**The Sugar (Rates of Surcharge and Surcharge Repayments)
(No. 5) Order 1964**

Made - - - - 28th August 1964

Laid before Parliament 1st September 1964

Coming into Operation 2nd September 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956^(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1964 ; and shall come into operation on 2nd September 1964.

(2) The Interpretation Act 1889^(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964^(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 2nd September 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)^(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 2nd September 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 4) Order 1964 be those specified in Schedule 2 to this order.

(a) 4 & 5 Eliz. 2. c. 48.
(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 44.
(d) S.I. 1964/1166 (1964 II, p. 2649).

In Witness whereof the Official Seal of the Minister of Agriculture,
Fisheries and Food is hereunto affixed on 28th August 1964.

(L.S.)

A. J. D. Winnifrith,
Secretary.

We concur.

28th August 1964.

*John Peel**Martin McLaren*

Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

PART I

SURCHARGE RATES FOR SUGAR

Polarisation	Rate of Surcharge per cwt.
	s. d.
Exceeding—	
99°	32 8·0
98° but not exceeding 99°	30 9·6
97° " " " 98°	30 0·6
96° " " " 97°	29 3·2
95° " " " 96°	28 5·8
94° " " " 95°	27 8·4
93° " " " 94°	26 11·0
92° " " " 93°	26 1·6
91° " " " 92°	25 4·1
90° " " " 91°	24 6·7
89° " " " 90°	23 9·3
88° " " " 89°	22 11·9
87° " " " 88°	22 4·1
86° " " " 87°	21 8·2
85° " " " 86°	21 1·2
84° " " " 85°	20 6·1
83° " " " 84°	19 11·1
82° " " " 83°	19 4·0
81° " " " 82°	18 9·7
80° " " " 81°	18 3·5
79° " " " 80°	17 9·2
78° " " " 79°	17 2·9
77° " " " 78°	16 8·7
76° " " " 77°	16 2·4
Not exceeding 76°	15 8·1

PART II
SURCHARGE RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge per cwt.
	s. d.
70 per cent. or more	20 9
Less than 70 per cent. and more than 50 per cent.	14 11
Not more than 50 per cent.	7 3

SCHEDULE 2
SURCHARGE REPAYMENT RATES FOR INVERT SUGAR

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
	s. d.
More than 80 per cent.	24 6
More than 70 per cent. but not more than 80 per cent.	20 9
More than 60 per cent. but not more than 70 per cent.	14 11
More than 50 per cent. but not more than 60 per cent.	11 10
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon	7 3

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order prescribes—

- (a) increases equivalent to 4s. 8d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 2nd September 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

1964 No. 1380

SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)
(No. 6) Order 1964**

<i>Made - - - -</i>	28th August 1964
<i>Laid before Parliament</i>	1st September 1964
<i>Coming into Operation</i>	2nd September 1964

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order^(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956^(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962^(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 6) Order 1964 ; and shall come into operation on 2nd September 1964.

(2) The Interpretation Act 1889^(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 2nd September 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1964^(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 5) Order 1964^(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 2nd September 1964.

(a) S.I. 1964/1167 (1964 II, p. 2652).

(c) 10 & 11 Eliz. 2. c. 44.

(b) 4 & 5 Eliz. 2. c. 48.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/1379 (1964 II, p. 3094).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th August 1964.

(L.S.)

A. J. D. Winnifrith,
Secretary.

SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter	3 3
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter	14 5
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter	20 9
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter ..	14 11
	containing not more than 50 per cent. by weight of sweetening matter	7 3
17.02 (F) ..	Caramel :— Solid	32 8
	Liquid	22 11
17.04	Sugar confectionery, not containing cocoa	26 7
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder)	18 11
19.08	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits	per cent. 7
	Other	4½

(a) S.I. 1961/403 (1961 I, p. 585).

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter	per cent. 9½
20.03	Fruit preserved by freezing, containing added sugar	3½
20.04	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised)	per cwt. s. d. 21 5
20.05	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter	20 6
20.06 (A) and (B)	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger Other	per cent. 14 3½
20.07	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter containing more than 20 per cent. by weight of added sweetening matter	1½ 16½
21.07	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	16½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 21 0

SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 2nd September 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1964 (S.I. 1964/1379). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.

1964 No. 1382

**TOWN AND COUNTRY PLANNING, ENGLAND
AND WALES**
The Town and Country Planning General Regulations 1964

<i>Made - - - -</i>	31st August 1964
<i>Laid before Parliament</i>	8th September 1964
<i>Coming into Operation</i>	1st October 1964

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The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 3, 9, 29, 31, 42, 49, 86, 118, 123, 124, 129, 135, 136, 139, 140, 157, 214, 217 and 221 of the Town and Country Planning Act 1962^(a) and of all other powers enabling him in that behalf, and, in relation to part II, after consultation with the associations of local authorities with whom he considered consultation to be appropriate, hereby makes the following regulations :—

PART I

TITLE, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning General Regulations 1964 and shall come into operation on 1st October 1964.

(a) 10 & 11 Eliz. 2. c. 38.

Interpretation

2.—(1) In these regulations—

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

“ the Minister ” means the Minister of Housing and Local Government.

(2) A section referred to by number in these regulations means the section so numbered in the Act.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

DELEGATION

Interpretation of part II

3.—(1) In this part of the regulations—

“ excepted council ” means a council of a county district having a population at the relevant date of 60,000 or more ; provided that if at any date thereafter such population falls below 50,000 such council shall cease to be an excepted council ;

“ relevant date ” means the date of the coming into operation of these regulations, or the date when the population of a county district not being the district of an excepted council is shown in accordance with paragraph (2) of this regulation to have reached 60,000 or more, as the case may be ;

“ Greater London ” has the same meaning as in the London Government Act 1963(b) ;

“ National Park ” has the same meaning as in the National Parks and Access to the Countryside Act 1949(c) ;

“ development plan ” means a development plan as approved or made by the Minister or as for the time being amended under Part II of the Act.

(2) For the purposes of this part, the population of a county district shall at any date be taken to be its population as estimated in and at the date of publication of the latest estimate published by the Registrar General for England and Wales.

Powers of delegation

4.—(1) Outside Greater London, a local planning authority (other than the council of a county borough) may, with the consent of the Minister, enter into an agreement with the council of a county district wholly or partly in their area, to delegate to that council any of their functions under Parts III and IV and section 180 of the Act, upon such terms and subject to such conditions, restrictions and reservations as are set out in the said agreement and approved by the Minister.

(2) Any such agreement may include provision—

(a) for the transfer to the council of any liability of the local planning authority to pay compensation under Part VII or section 134 or 170 of the Act in respect of anything done by the council in the exercise of those functions ;

(a) 52 & 53 Vict. c. 63.

(b) 1963 c. 33.

(c) 12, 13 & 14 Geo. 6. c. 97.

(b) for the transfer and compensation of any officers of the local planning authority ;
and a copy of the agreement, as approved by the Minister, shall be open to inspection at all reasonable hours at the offices of the local planning authority and the council.

Terms to be included in delegation

5. It shall be a term of any such delegation—

- (a) that the delegation may be terminated or any of its terms, conditions, restrictions or reservations varied by agreement between the parties with the consent of the Minister, and that it shall in any event terminate upon the withdrawal by the Minister of his consent thereto ;
- (b) that any document by which functions delegated under these regulations are exercised shall state that such functions are exercised on behalf of the local planning authority, but no such document shall be invalid by reason only that this requirement has not been complied with.

Requirement to delegate

6.—(1) Any excepted council may by a notice in writing served on the local planning authority within 3 months of the relevant date, or such longer period as the Minister may in any particular case allow, claim the right to exercise delegated functions under the next succeeding paragraph.

(2) Where a notice is served by an excepted council under the last preceding paragraph the local planning authority shall delegate to that council their functions under Parts III and IV and section 180 of the Act in accordance with the terms set out in Schedule 1 to these regulations, and such delegation shall take effect at the expiration of 6 months from the service of such notice or such earlier date as may be agreed between the council and the authority.

(3) An excepted council shall forthwith notify the Minister of—

- (a) the service of a notice under paragraph (1) of this regulation ;
- (b) the date (if any) agreed for the taking effect of the delegation under paragraph (2) of this regulation.

(4) Where a council ceases to be an excepted council any delegation under paragraph (2) of this regulation shall cease to have effect at the expiration of 12 months from the date of the publication of the relevant estimate.

(5) The Minister may, on application by a council of a county district other than an excepted council, if he is satisfied that there are special circumstances by reason of which such council ought to be treated as if it were entitled to make a claim under paragraph (1) of this regulation, require the local planning authority to delegate to that council their functions under Parts III and IV and section 180 of the Act, and any such requirement shall be treated by the local planning authority and the council (except in relation to paragraph (3)(a) of this regulation) as if it were a notice served under paragraph (1) of this regulation.

(6) Nothing in this regulation shall apply to functions in respect of land in a National Park.

Joint planning boards

7. Where a local planning authority is a joint planning board, regulations 4 and 5 of these regulations shall have effect as if the reference in

regulation 4 to the council of a county district wholly or partly in their area included a reference to the council of a county or of a county borough wholly or partly therein.

Functions to be performed on behalf of local planning authority

8. Any council to whom functions are delegated in accordance with these regulations shall perform those functions on behalf of the local planning authority.

Savings

9. Any delegation having effect under the Town and Country Planning (Delegation) Regulations 1959(a) shall continue in force as if it had been effected under these regulations until superseded by a delegation under these regulations.

PART III

TREE PRESERVATION ORDERS

Interpretation of part III

10. In this part of the regulations, unless the context otherwise requires—

“authority” includes a local planning authority making an order as hereinafter defined, and a local authority making such an order under powers delegated by a local planning authority; and

“order” means a tree preservation order made under section 29, and includes an order amending or revoking such an order.

Form and contents of order

11.—(1) Subject to the provisions of paragraph (2) of this regulation, an order shall be in such form as the authority may determine.

(2) The order shall define the position of the trees, groups of trees, or woodlands to which it relates, and for that purpose shall include a map, or refer to a map deposited for inspection at the offices of the authority. Any map so deposited shall be authenticated by the signature of the clerk of the authority.

Submission of order

12. An authority shall, on making an order—

(a) place on deposit for inspection at a place or places convenient to the locality in which the trees, or groups of trees, or woodlands are situated a certified copy or copies of the order and of the map;

(b) serve on the owners and occupiers of the land affected by the order, and on any other person then known to them to be entitled to work by surface working any minerals in that land or to fell any of the trees affected by the order, a copy of the order, together with a notice stating—

(i) that the order has been made and submitted to the Minister for confirmation;

(ii) the grounds on which the authority consider that the order should be confirmed;

- (iii) the address or addresses of the place or places where the certified copy or copies of the order and map have been deposited for inspection and the hours during which they may be inspected; and
- (iv) that objections or representations with respect to the order may be made to the Minister in accordance with regulation 13, a copy of which regulation shall be included in or appended to the notice:

Provided that, in the case of trees other than trees in woodlands, service of a copy of the order may be dispensed with if the notice indicates briefly the effect of the order; and

(c) submit to the Minister—

- (i) the sealed order and the map included therein, or a duplicate of the map referred to therein; and, in addition,
- (ii) 4 unsealed copies of the order and the map, except that where an order only amends or revokes an existing order one such copy shall suffice, and if the map referred to in the said amending or revoking order is the map included or referred to in the existing order no copy of that map need be sent; and
- (iii) a statement of the grounds stated in the notices served under paragraph (b) of this regulation as being those on which the authority consider that the order should be confirmed; and
- (iv) a certificate stating the names and addresses of the persons served with a notice in accordance with paragraph (b) of this regulation and the dates of service. The certificate shall specify whether the persons named therein are served as owners or occupiers of land or otherwise, and shall identify the trees, groups of trees, and woodlands to which their interests relate.

Objections and representations

13.—(1) Every objection or representation with respect to an order shall be made in writing to the Minister, and shall state the grounds thereof, and specify the particular trees, groups of trees, or woodlands in respect of which it is made.

(2) An objection or representation shall be duly made if it complies with paragraph (1) of this regulation and is received by the Minister within 28 days from the date of the service of the notice of the making of the order.

Consideration by the Minister

14. The Minister shall, before deciding whether to confirm the order, take into consideration any objections and representations duly made in accordance with the foregoing regulation, and, if a local inquiry is held, the report of that inquiry.

Action on receipt of the Minister's decision

15. The authority shall, as soon as may be after receipt of a decision by the Minister on the order (including any decision to confirm the order provisionally under section 29(6)), inform the owners and occupiers of the land to which the order relates, and any other person on whom notice has been served in accordance with the provisions of regulation 12(b) hereof, of the Minister's decision and, in addition, where the order has been confirmed (otherwise than provisionally), or confirmed subject to modifications, serve on every such person a copy of the order as confirmed by the Minister.

Savings

16. In relation to any order made under the Town and Country Planning (Tree Preservation Order) Regulations 1950(a), compliance with any requirement of those regulations shall be deemed to be a compliance with the corresponding requirement of these regulations, and so far as the requirements of those regulations have not been complied with the order may be dealt with as if it had been made under these regulations.

PART IV

BUILDING PRESERVATION ORDERS

Interpretation of part IV

17.—(1) In this part of these regulations, unless the context otherwise requires—

“local authority” means a local planning authority or the council of a county district;

“order” means a building preservation order made under section 30, and includes an order amending or revoking such an order;

“notice by advertisement”, in relation to an order, means a notice published in at least one local newspaper circulating in the locality in which the building is situated.

(2) Any reference in this part of these regulations to the council of a county district shall include a reference to the Common Council of the City of London and to the council of any metropolitan borough.

Form of order

18. An order shall be in such form as the local authority making the order may determine.

Submission of order

19.—(1) A local authority desiring to submit an order to the Minister for confirmation shall transmit to the Minister the sealed order in duplicate, with any plan annexed thereto, a copy of the order and plan (if any), and a statement of the grounds on which the local authority consider that the order should be confirmed; and shall send a copy of the order, plan and statement to the council of the county district in which the building is situated, or, if the authority making the order are themselves that council, to the local planning authority for the area.

(2) The local authority shall forthwith give notice by advertisement of the submission of the order to the Minister, and shall include in the notice a statement that the order and plan (if any), or certified copies thereof, will be open for inspection at a specified place, or at specified places, and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister within 28 days from the date of the publication of the advertisement.

(3) The local authority shall serve on the owner and any occupier of the building notice of the submission of the order to the Minister, together with a copy of the order and plan (if any) and of the statement referred to in paragraph (1) of this regulation. The notice shall contain a statement that the period of 28 days during which objections and representations may be sent to the Minister shall run from the date of the service of the notice.

(a) S.I. 1950/534 (1950 II, p. 1094).

(4) The local authority shall, as soon as may be after the publication of the advertisement, send a copy of the newspaper containing the advertisement to the Minister, together with a copy of the notice served on the owner and any occupier of the building, and a statement of the name and address of each person so served and the date or dates of service.

Consideration by the Minister

20. The Minister shall, before deciding whether to confirm the order, take into consideration any objections or representations in writing received by him within the time specified in the notices under paragraphs (2) and (3) of regulation 19 and, if a local inquiry is held, the report of that inquiry.

Action on receipt of the Minister's decision

21. The local authority shall, as soon as may be after they receive a decision made by the Minister on the order (including any decision to confirm the order provisionally under section 31(2))—

- (a) inform the owner and any occupier of the building and the council of the county district in which the building is situated (or the local planning authority, as the case may be) of the Minister's decision, and, in addition, where the order has been confirmed (otherwise than provisionally), or confirmed subject to modifications, serve on every such person a copy of the order as confirmed by the Minister; and
- (b) where the order is confirmed (otherwise than provisionally) with or without modifications, give notice by advertisement of that confirmation and state in that notice the place where, and the hours within which, a copy of the order as confirmed may be inspected.

Savings

22. In relation to any order made under the Town and Country Planning (Building Preservation Order) Regulations 1948(a), as amended by the Town and Country Planning (Building Preservation Order) (Amendment) Regulations 1960(b), compliance with any requirement of those regulations shall be deemed to be compliance with the corresponding requirement of these regulations, and so far as the requirements of those regulations have not been complied with the order may be dealt with as if it had been made under these regulations.

PART V

DEVELOPMENT BY LOCAL PLANNING AUTHORITIES

Development permissions

Application of Part III of the Act

23. In relation to development by local authorities of land in respect of which they are the local planning authority, the provisions of Part III of the Act other than sections 15 and 16, subsections (2) and (3) of section 17, and sections 25 and 26, shall have effect subject to the exceptions and modifications prescribed in regulations 24 to 27; and in this part of these regulations "the appropriate Part III provisions" means the provisions of Part III of the Act other than the said sections and subsections.

(a) S.I. 1948/1766 (Rev. XXII, p. 746: 1948 I, p. 4094).

(b) S.I. 1960/1539 (1960 III, p. 3252).

Deemed permission and applications to the Minister

24.—(1) Where the authority require a permission for the development of land which is not granted by a development order (other than a permission for development which does not accord with the provisions of the development plan), such permission shall, subject to the provisions of regulations 25 to 27, be deemed to be granted by the Minister unless in the case of any particular development the Minister requires the authority to make an application to him for permission.

(2) If the Minister requires the authority to make an application for permission in accordance with the preceding paragraph, or if the authority seek a permission for development which does not accord with the provisions of the development plan, the application shall be made in the form of an application to the local planning authority, and shall be deemed to have been referred to the Minister under section 22, and the provisions of that section shall apply to the determination of the application by the Minister.

(3) A permission deemed to be granted by virtue of paragraph (1) of this regulation shall be treated as if, for the purposes of the appropriate Part III provisions, it had been granted on an application, and as if it had been granted on the date of the authority's resolution to carry out the development.

(4) For the purposes of this regulation, development which does not accord with the provisions of the development plan shall not include such development for which the local planning authority may grant permission by virtue of a development order or a direction given by the Minister thereunder.

Register of applications: Board of Trade certificates

25. Section 19(4) (which provides for the keeping of a register with respect to applications for permission) and sections 38 and 39 (under which a certificate of the Board of Trade is required in relation to certain industrial development) shall apply as if an application were required to be made to the Minister under this part of these regulations and those provisions applied to that application.

Consultation and furnishing of information

26.—(1) The authority shall consult with, or furnish information to, other authorities or persons in any case where, if an application had been made to them in respect of the development, they would have been required to do so before dealing with the application.

(2) Where under the last preceding paragraph the authority are required to consult with any other authority or person, they shall give notice to that authority or person that a proposal to carry out the development is to be considered, and shall not resolve to carry out such development except after 14 days from the giving of such notice and after taking into account any representations received from that authority or person.

Directions to local planning authority

27. In any case in which directions have been given to the local planning authority restricting the grant of permission by them, the authority shall observe the terms of such directions in relation to any development projected by them, or shall make an application for permission to the Minister, accompanied by a statement giving short particulars of such directions, and paragraph (2) of regulation 24 shall apply to such application as if the Minister had required it to be made.

*Supplementary provisions**Other consents*

28.—(1) Where an authority require any consent or approval of the local planning authority under the appropriate Part III provisions other than a permission for development, and that authority are themselves the local planning authority to which the application for such consent or approval should be made, such application shall be made to the Minister and his decision thereon shall be final and shall take the place of the decision of the local planning authority.

(2) Where a local planning authority propose to execute or cause or permit to be executed any works for the demolition, alteration or extension of a building listed under section 32 the notice required under section 33(1) shall be given to the Minister instead of to the local planning authority, and references in that section to the local planning authority shall be construed as if they were references to the Minister.

Delegate councils

29. This part of these regulations shall not apply to a council to which the functions of a local planning authority have been delegated, but any such council shall, notwithstanding such delegation, apply to the local planning authority for any permission, consent or approval in this part referred to and shall give to the local planning authority any notice required under section 33(1), as if the delegation to that council had not been made.

Savings

30. Any application, reference, representation or notice made or given under the Town and Country Planning (Development by Local Planning Authorities) Regulations 1951(a) which at the coming into operation of these regulations is outstanding shall have effect as if made or given and shall be determined under and in accordance with this part of these regulations.

PART VI

GENERAL

Notices under section 9

31.—(1) A notice under section 9(1) (which relates to the right of owners of land designated by a development plan as subject to compulsory acquisition to require their interests to be acquired) shall be in writing, specifying the interest to be acquired, and shall be served on the local planning authority by delivering it at the offices of the authority addressed to the clerk thereof, or by sending it by pre-paid post addressed as aforesaid.

(2) Any such notice as is mentioned in paragraph (1) of this regulation may be served at any time after the expiration of 8 years in the case of agricultural land within the meaning of the Rating and Valuation (Apportionment) Act 1928(b), or of 12 years in any other case, from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated, came into operation.

Claims for compensation and purchase notices

32.—(1) A claim for compensation made to a local planning authority under section 118, 119, 123 or 124, or a purchase notice served on the council of a county borough or a county district under section 129, 135,

(a) S.I. 1951/2069 (1951 II, p. 812).

(b) 18 & 19 Geo. 5. c. 44.

136 or 137, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council addressed to the clerk thereof, or by sending it so addressed by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be—

(a) in the case of a claim for compensation, 6 months ; and

(b) in the case of a purchase notice, 12 months,

from the date of the decision in respect of which the claim or notice is made or given :

Provided that the period may be extended by the Minister in any particular case.

Marking of certain notices and documents

33. The manner in which a notice or document such as is referred to in subsection (2) of section 214 shall be marked in order that it shall be deemed to be duly served under head (b) of that subsection shall be by inscribing clearly and legibly upon the notice or document, and upon the envelope containing it, the words " Important—This Communication affects your property ".

Application of the Public Health Act 1936 to enforcement notices

34. The provisions of sections 276, 289, 292 and 294 of the Public Health Act 1936(a) shall apply in relation to steps required to be taken by an enforcement notice, or by a notice under section 36 or 52, as if—

(a) references to a local authority were references to a local planning authority ;

(b) references (in whatever form) to the execution of works under the said Act of 1936 were references to the taking of steps required to be taken under the notice ;

(c) references in the said section 289 to the occupier were references to a person having an interest in the premises other than the owner ; and

(d) the reference in the said section 294 to " expenses under this Act " were a reference to expenses incurred in the taking of such steps as aforesaid.

Concurrent procedure under section 86(5) for development plans and compulsory purchase orders

35. Where notice has been given in the London Gazette of the submission to the Minister of a development plan, or of proposals for the amendment of such a plan, or of any proposal by the Minister to make or amend such a plan, and the plan or proposals as submitted or the proposal of the Minister designates any land as subject to compulsory acquisition, any proceedings required by the Acquisition of Land (Authorisation Procedure) Act 1946(b) to be taken for the purposes of an order or authorisation for the compulsory acquisition of such land or any part thereof under section 67 or 68 may be taken concurrently with any proceedings required by or under the Act to be taken in connection with the approval, making or amendment of such development plan.

Concurrent procedure for acquisition of land and extinguishment of rights of way

36.—(1) Where under section 68 a compulsory purchase order for the acquisition of any land has been made by a local authority and submitted to the Minister in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946, or where any land has been acquired by a local authority under section 71, the succeeding provisions of this regulation shall apply in relation to the extinguishment of public rights of way over such land and the acquisition of land for the provision of alternative rights of way.

(2) The Minister may on or after any such submission or acquisition publish in accordance with the provisions of section 154(1), as applied by section 155, notice of an order proposed to be made under section 155, relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Minister of Transport may prepare in draft or a local highway authority may make a compulsory purchase order under section 156(1) for the acquisition of land for providing an alternative right of way.

(4) Any other proceedings required to be taken in connection with the making of an order under section 155 may be taken concurrently with the proceedings required to be taken in connection with such order as is mentioned in paragraph (1) of this regulation and any other proceedings for the making or confirmation of such compulsory purchase order as is referred to in paragraph (3) of this regulation may be taken concurrently with either or both of the said proceedings :

Provided that:—

- (a) no such order under section 155 shall be made until the land over which the right of way subsists has been acquired by the local authority ; and
- (b) no such compulsory purchase order as is referred to in paragraph (3) of this regulation shall be made by the Minister of Transport or confirmed, until the original right of way has been extinguished by an order under section 155.

Notices and counter-notices under sections 139 and 140

37. The forms set out in Schedule 2 hereto or forms substantially to the like effect are the prescribed forms of notice for the purposes of section 139, and of counter-notice for the purposes of section 140.

Revocations and savings

38. The regulations referred to in Schedule 3 to these regulations are hereby revoked, but without prejudice to their operation for the purposes of any of the savings and transitional provisions of Schedule 14 to the Act, and subject to the savings in regulations 9, 16, 22 and 30 hereof.

(Regulation 6)

SCHEDULE 1

Terms of delegation of functions to an excepted council

1. The local planning authority (hereinafter called "the authority") hereby delegate to the county district council, in respect of land in the county district, and subject to the undermentioned conditions, restrictions and reservations, all the functions of the authority under Parts III and IV and section 180 of the

Town and Country Planning Act 1962 (hereinafter called "the Act") and under any orders or regulations made thereunder, except :—

- (1) functions under section 37 and those relating to building preservation orders ;
- (2) functions involving action in connection with mineral working, mineral processing on land in or adjoining a quarry or other mineral working, or the deposit of mineral waste (including determinations under section 43 in relation to any such matters) :

Provided that :—

- (a) the concurrence in writing of the authority shall be obtained before the grant of permission for development which does not accord with the provisions of the development plan, or with proposals for the amendment of the development plan approved by resolution of the authority and communicated to the county district council ;
 - (b) the county district council may refer any application under section 19, 20 or 43 of the Act to the authority instead of dealing with it themselves, and thereupon that application shall be dealt with as if no functions in respect thereof had been delegated to the county district council ;
 - (c) the authority shall consult with the county district council before reaching a decision on the matters referred to in sub-paragraphs (1) and (2) above.
2. The authority may exercise their powers under section 27, 28, 29, 45, 61 or 62 of the Act, notwithstanding this delegation, in any case where in their opinion the county district council after being consulted have refused or neglected to exercise delegated functions under any of those sections.

3. The conditions of delegation shall be :

- (1) that any document by which any delegated functions are exercised shall state that those functions are exercised on behalf of the authority (but no such document shall be invalid by reason only that this or the next following condition has not been complied with) ;
- (2) that any such document shall be in such form as is approved by the clerk of the authority for a document of that kind, and that a copy of every such document (including decisions on applications for permission or consent, together with a copy of any application for permission or consent to which the document relates) shall, except where otherwise agreed, be sent to him for information ;
- (3) that the county district council shall bear all compensation (other than that defrayed by specific grants from central government funds) payable as a result of the exercise of the delegated functions, except in so far as the authority shall have agreed to bear it wholly or in part, on being consulted by the county district council before the order, direction or decision giving rise to the claim for compensation was made.

SCHEDULE 2

(Regulation 37)

TOWN AND COUNTRY PLANNING ACT 1962

Form I S.139

Section 139

NOTICE REQUIRING AN AUTHORITY TO PURCHASE AN INTEREST IN LAND

TO (a)
 at (b)
 * I (c)
 WE

(a) Insert name of authority served.
 (b) Insert principal address of authority.
 (c) Insert full name(s) and address(es) of person(s) or company etc. serving this notice.

pursuant to the provisions of section 139(1) of the Town and Country Planning Act 1962 HEREBY GIVE YOU NOTICE:—

- 1. * I am We are entitled to an interest set out in the first schedule hereto in the * hereditament agricultural unit described in the second schedule hereto.

(d) Insert which paragraph.

2. * The * hereditament has been included in land falling within Part of the agricultural unit paragraph (.....) (d) of section 138(1) of the Act.
3. Since then, * I have made reasonable endeavours to sell * my our interest but * I we have been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the * hereditament agricultural unit were so included. (e)
4. * My Our interest qualifies for protection under Part VIII of the Act because

(e) Particulars of the steps taken to sell the land should be given below or separately.

(f) Whichever is appropriate of these alternatives should form part of this notice.

*EITHER (f)

the annual value of the hereditament does not exceed the prescribed limit of annual value and * my our interest is that of owner-occupier(s) of the hereditament within the meaning of section 149(1).

*OR (f)

* My Our interest is that of resident owner-occupier(s) of the hereditament within the meaning of section 149(3).

*OR (f)

* My Our interest is that of owner-occupier(s) of the agricultural unit within the meaning of section 149(2).

5. * I We therefore require you to purchase * my our interest in the * hereditament agricultural unit in so far as it is included in the land referred to in paragraph 2 of this notice.

FIRST SCHEDULE

Particulars of interest in land, together with the names and addresses of any mortgagees thereof and a note of any other encumbrances thereon.

SECOND SCHEDULE

Particulars of the * hereditament agricultural unit (g)

(g) A plan should be attached, if necessary to identify the land.

DATED this.....day of.....19.....

Signed

*On behalf of.....

* Delete where inappropriate.

Here or in an accompanying letter should be given particulars (including dates) of the endeavours made to sell the * hereditament agricultural unit and of the price asked and of any offers received for it.

TOWN AND COUNTRY PLANNING ACT 1962

Form 2 S.140

Section 140

COUNTER-NOTICE UNDER SECTION 140(1) OBJECTING TO NOTICE SERVED UNDER SECTION 139(1)

TO (a)
 THE (b)
 HEREBY GIVE YOU NOTICE under section 140(1) of the Town and Country Planning Act 1962 that they OBJECT to the notice served by you on the.....day of.....19..... under section 139(1) of the Act in respect of the * hereditament agricultural unit described as (c).....

(a) Insert name and address of addressee.
 (b) Insert name of authority.

(c) Insert particulars.
 (d) These should include a reference to the relevant paragraph(s) of s.140(2).

The grounds (d) on which objection is taken are—

DATED this.....day of.....19.....

.....
 on behalf of the (b).

* Delete where inappropriate.

Note: If you do not accept this objection, you may require the objection to be referred to the Lands Tribunal, under the provisions of section 141 of the Act. In that case you should notify the Registrar of the Lands Tribunal, 3, Hanover Square, London, W.1, within 2 months of the date of service of this notice.

SCHEDULE 3

(Regulation 38)

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning (Building Preservation Order) Regulations 1948.	S.I. 1948/1766 (Rev. XXII, p. 746: 1948 I, p. 4094).
The Town and Country Planning (General) Regulations 1948.	S.I. 1948/1380 (Rev. XXII, p. 733: 1948 I, p. 4088).
The Town and Country Planning (Tree Preservation Order) Regulations 1950.	S.I. 1950/534 (1950 II, p. 1094).
The Town and Country Planning (Development by Local Planning Authorities) Regulations 1951.	S.I. 1951/2069 (1951 II, p. 812).
The Town and Country Planning (Prescribed Forms of Notices) Regulations 1959.	S.I. 1959/1287 (1959 II, p. 2645).
The Town and Country Planning (Delegation) Regulations 1959.	S.I. 1959/1915 (1959 II, p. 2627).
The Town and Country Planning (General) (Amendment) Regulations 1960.	S.I. 1960/1475 (1960 III, p. 3284).
The Town and Country Planning (Building Preservation Order) (Amendment) Regulations 1960.	S.I. 1960/1539 (1960 III, p. 3252).

Given under the official seal of the Minister of Housing and Local Government on 31st August 1964.

(L.S.)

Keith Joseph,
 Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations replace in a consolidated form, with minor amendments, the Town and Country Planning (Building Preservation Order) Regulations 1948 with their Amendment Regulations of 1960, the Town and Country Planning (General) Regulations 1948 with their Amendment Regulations of 1960, the Town and Country Planning (Tree Preservation Order) Regulations 1950, the Town and Country Planning (Development by Local Planning Authorities) Regulations 1951, the Town and Country Planning (Prescribed Forms of Notices) Regulations 1959, and the Town and Country Planning (Delegation) Regulations 1959, all of which were made under provisions of the Town and Country Planning Acts 1944, 1947 and 1959 (now repealed on consolidation by the Town and Country Planning Act 1962).

Part II of the regulations continues the provisions of the Delegation Regulations relating to the delegation of functions by local planning authorities to county district councils. Provision is now made for delegation agreements to be open to inspection by the public; and this part of the regulations applies (as the previous regulations did not) to that part of the former metropolitan area which lies outside Greater London.

Parts III and IV continue the provisions of the Tree Preservation Order Regulations and Building Preservation Order Regulations respectively, subject to minor procedural amendments relating to the submission of orders for confirmation.

Part V continues the provisions of the Development by Local Planning Authorities Regulations, with minor changes owing to the new form of the statutory provision (section 42 of the Act of 1962).

Part VI continues those provisions of the General Regulations and Prescribed Forms of Notices Regulations which are still effective: the other provisions are now spent, or have been revoked by other instruments.

Regulations 31, 32, 33, 34, 35 and 36 replace, respectively, regulations 3, 4, 5, 8, 11 and 12 of the General Regulations. Under regulation 32 the time for serving a purchase notice is extended from 6 months to 12 months. Regulation 35 continues the procedure for the approval or amendment of a development plan concurrently with the authorisation of the compulsory purchase of land designated by the plan, and empowers the Minister, in an appropriate case, to authorise the purchase of the land immediately after he has approved or amended the plan.

Regulation 37 (with Schedule 2) brings up to date the notice and counter-notice prescribed for the purposes of sections 139 and 140 of the Act of 1962, which deal with the purchase of property "blighted" by planning proposals.

Regulation 38 revokes the previous regulations mentioned in the first paragraph of this note, with savings to preserve the validity of action taken under those regulations, and to enable action on matters partially dealt with under those regulations to be continued under these regulations.

**APPENDIX
OF CERTAIN INSTRUMENTS
NOT REGISTERED AS S.I.**

**ORDERS IN COUNCIL,
LETTERS PATENT AND
ROYAL INSTRUCTIONS**

**RELATING TO THE CONSTITUTION OR CUR-
RENCY OF OVERSEAS TERRITORIES OR TO
APPEALS TO THE JUDICIAL COMMITTEE,**

**ROYAL PROCLAMATIONS,
ETC.**

AFRICA

The Basutoland (Constitution) (Amendment) Order 1964

At the Court at Buckingham Palace the 12th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and construction.

1.—(1) This Order may be cited as the Basutoland (Constitution) (Amendment) Order 1964 and shall be construed as one with the Basutoland (Constitution) Order in Council 1959(a) which Order, as amended by the Basutoland (Constitution) (Amendment) Order in Council 1960(b), is hereafter referred to as “the principal Order”.

(2) The Basutoland (Constitution) Order in Council 1959, the Basutoland (Constitution) (Amendment) Order in Council 1960 and this Order may be cited together as the Basutoland (Constitution) Orders 1959 to 1964.

Insertion of new section in principal Order.

2.—(1) The principal Order is amended by the insertion immediately after section 93 of the following new section—

“High Commissioner's powers of pardon. 93A. The High Commissioner may in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in the commission of any offence for which he may be tried by any court established for Basutoland or to any person convicted of any offence by such a court, a pardon either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person by such a court ;
- (c) substitute a less severe form of punishment for that imposed by any sentence of such a court ; or
- (d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by such a court.”.

(2) This section shall be deemed to have come into operation on 4th October 1963.

W. G. Agnew.

(a) S.I. 1959 II, p. 3308.

(b) S.I. 1960 III, p. 4104.

HONG KONG

The Hong Kong Additional Instructions 1964

Dated 12th May 1964.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1.—(1) These Instructions may be cited as the Hong Kong Additional Instructions 1964 and shall be construed as one with the Instructions under the Royal Sign Manual and Signet to Our Governor and Commander-in-Chief of Our Colony of Hong Kong and its Dependencies dated 14th February 1917 (hereinafter called “the principal Instructions”) as amended by the Additional Instructions to Our said Governor and Commander-in-Chief dated respectively 30th April 1938 and 17th February 1955(a).

Citation,
construction
and
commence-
ment.

(2) The principal Instructions may be cited as the Hong Kong Royal Instructions 1917, and the Additional Instructions dated 30th April 1938 and 17th February 1955 may be cited respectively as the Hong Kong Additional Instructions 1938 and the Hong Kong Additional Instructions 1955.

(3) The principal Instructions, the Hong Kong Additional Instructions 1938, the Hong Kong Additional Instructions 1955(a) and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1964.

(4) These Instructions shall come into effect on 1st July 1964.

2. Clause XIII of the principal Instructions, as replaced by the Hong Kong Additional Instructions 1938, is amended by deleting the first paragraph of the said clause and substituting therefor the following:—

Amendment
of clause XIII
of principal
Instructions.

“The Legislative Council of the Colony shall consist of the Governor, the Senior Military Officer for the time being in Command of Our regular troops within the Colony, the persons for the time being lawfully discharging the functions of Colonial Secretary, Attorney-General, Secretary for Chinese Affairs, and Financial Secretary of the Colony and such other persons holding office under the Crown in the Colony, and not exceeding seven in number at any one time, as We may from time to time appoint by any Instructions or Warrants under Our Sign Manual and Signet, or as the Governor, in pursuance of Instructions from Us through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Official Members of the Legislative Council; and further of such persons, not exceeding thirteen in number at any one time, as the Governor, in pursuance of Instructions from Us through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of the Colony, and all such persons shall be styled Unofficial Members of the Legislative Council.”

Given at Our Court at St. James's this twelfth day of May 1964
in the thirteenth year of Our Reign.

SEYCHELLES

The Seychelles Judicature Order 1964

At the Court at Buckingham Palace the 12th day of May 1964

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I—PRELIMINARY

Citation,
publication
and
commence-
ment.

1.—(1) This Order may be cited as the Seychelles Judicature Order 1964.

(2) This Order shall be published in the official gazette of the Colony and shall come into operation on such day as the Governor may, by Proclamation published in the official gazette of the Colony, appoint.

Interpre-
tation.

2.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

“the Colony” means the Colony of Seychelles;

“the Court” means the Supreme Court established by this Order;

“the Governor” means the Governor and Commander-in-Chief of the Colony;

“Judge” means a Judge of the Court;

“the Public Seal” means the Public Seal of the Colony.

(2) In this Order, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to perform the functions of that office.

(3) Where any person has vacated any office established by this Order, he may, if qualified, again be appointed to that office in accordance with the provisions of this Order.

(4) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Revocation.

3. The Seychelles Judicature Order in Council 1903(b), the Seychelles Judicature Order in Council 1915(c), the Seychelles Judicature Order in Council 1933(d), the Seychelles Judicature (Amendment) Order in Council 1939(e) and the Seychelles Judicature Order in Council 1955(f) are revoked.

PART II—CONSTITUTION OF THE COURT

Supreme
Court.

4.—(1) There shall be a Supreme Court for the Colony, styled the Supreme Court of Seychelles, which shall be a superior court of record with such jurisdiction and powers as may be prescribed by any law for the time being in force in the Colony.

(a) 52 & 53 Vict. c. 63. (b) Rev. XX, p. 704: S.R. & O. 1903 II, p. 1624.

(c) Rev. XX, p. 704: S.R. & O. 1915 III, p. 320.

(d) Rev. XX, p. 704: S.R. & O. 1933, p. 2103.

(e) Rev. XX, p. 704: S.R. & O. 1939 II, p. 3600. (f) S.I. 1955 II, p. 3216.

(2) The Judges of the Court shall be the Chief Justice of the Colony and a Puisne Judge.

(3) The Court shall be deemed to be duly constituted notwithstanding any vacancy in the office of a Judge of the Court.

5.—(1) The Judges of the Court shall, in pursuance of Article 11 of the Seychelles Letters Patent 1948(a), be appointed by the Governor by instrument under the Public Seal in pursuance of instructions given to him by Her Majesty through a Secretary of State. Appointment
of Judges.

(2) (a) A person shall not be qualified for appointment as a Judge unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court ; or

(ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than five years to practise as an advocate or a solicitor in such a court.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise.

(3) A Judge shall not enter upon the duties of his office unless he has taken before the Governor or some person authorised by the Governor in that behalf the oaths or affirmations of allegiance and for the due execution of his office in the forms set out in the Schedule to this Order.

6.—(1) If the office of Chief Justice is vacant or the Governor is satisfied that the Chief Justice is for any reason unable to perform the functions of his office, the Governor may appoint the Puisne Judge or some other person qualified for appointment as a Judge to act as Chief Justice. Acting
Judges.

(2) If the office of Puisne Judge is vacant or if the Puisne Judge is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as a Judge to act as Puisne Judge.

(3) A person appointed under the provisions of this section to act as a Judge shall continue to act for the period of his appointment or, if no such period has been specified, until the Governor, acting, in the case of a person appointed to act as Puisne Judge, after consultation with the Chief Justice, revokes his appointment.

Tenure of
office of
Judges.

7.—(1) Subject to the following provisions of this section, a person holding the office of a Judge shall vacate his office when he attains the age of sixty-two years :

Provided that the Governor may permit a Judge to continue in office beyond the age of sixty-two years for a period which does not exceed, or for consecutive periods which do not in the aggregate exceed, three years.

(2) A Judge may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the next following subsection.

(3) A Judge shall be removed from office by the Governor by order under the Public Seal if the question of removing him from office has, at the request of the Governor made in pursuance of the next following subsection, been referred by Her Majesty to the Judicial Committee of the Privy Council under any enactment enabling Her Majesty in that behalf and the Judicial Committee has advised Her Majesty that the Judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a Judge from office for inability as aforesaid or misbehaviour ought to be investigated then—

(a) the Governor shall by order under the Public Seal (which he may vary or revoke by another such order) appoint a tribunal, which shall consist of a Chairman and not less than two other Members, selected by the Governor from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court ;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of removing the Judge from office should be referred by Her Majesty to the Judicial Committee ; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(5) Subject to the provisions of the last foregoing subsection, the provisions of the Commissions of Inquiry Ordinance 1962^(a) of the Colony as in force on the date this Order comes into operation shall apply in relation to the tribunal appointed by an order made under that subsection as they apply in relation to Commissioners appointed under that Ordinance and for that purpose those provisions shall have effect as if they formed part of this Order.

(6) If the question of removing a Judge from office has been referred to a tribunal under subsection (4) of this section, the Governor may suspend the Judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of removing the Judge from office should be referred by Her Majesty to the Judicial Committee ; or

(a) Seychelles Ordinance No. 10 of 1962.

(b) if the Judicial Committee advises Her Majesty that the Judge ought not to be removed from office.

(7) The provisions of this section shall be without prejudice to the provisions of section 6 (3) of this Order.

8.—(1) There shall be charged upon the revenues and other funds of the Colony and paid therefrom to Judges such salaries and allowances as may be prescribed by law.

Salary, allowances and terms of service of Judges.

(2) The salary and allowances (other than allowances not taken into account in computing pensions) payable to a Judge and his terms of office shall not be altered to his disadvantage after his appointment and where a Judge is entitled to exercise an option in relation to his salary, allowances or terms of office, the option as exercised by him shall be deemed for the purposes of this subsection to be to his advantage.

9. A Judge whose appointment has terminated otherwise than by reason of his removal from office may sit as a Judge for the purpose of giving judgment or otherwise in relation to any proceedings commenced before him while his appointment was subsisting.

Judge may sit after appointment has terminated.

10.—(1) Any proceedings in the Court and all business arising therefrom shall be heard and disposed of before a single Judge and a Judge may exercise all or any part of the powers, authority and jurisdiction vested in the Court.

Proceedings to be heard and disposed of before, and powers of, single Judge.

(2) For the despatch of any matter falling within its jurisdiction, the Court may sit in more than one division at the same time, each such division to be composed of one Judge.

11. The Court shall have, and use as occasion requires, a seal bearing on it the Royal Arms and the words "Supreme Court of Seychelles".

Seal of the Court.

PART III—OFFICERS OF THE COURT

12. The Governor shall, in pursuance of Article 11 of the Seychelles Letters Patent 1948, appoint a Registrar of the Court and such other officers of the Court as to the Governor, acting after consultation with the Chief Justice, seem necessary, with such functions and powers as may be prescribed by any law for the time being in force in the Colony.

Registrar and other officers of the Court.

PART IV—TRANSITIONAL PROVISIONS

13.—(1) Any person who immediately before the commencement of this Order was holding office or acting as Chief Justice of the Colony shall be deemed to have been appointed at the commencement of this Order and in accordance with its provisions to hold or act in the office of Chief Justice established by this Order.

Existing appointments to continue.

(2) Any person who immediately before the commencement of this Order was holding office or acting as Registrar or as an officer of the Supreme Court of the Colony shall be deemed to have been appointed at the commencement of this Order and in accordance with its provisions to hold or act in the corresponding office of the Court.

Pending proceedings and judgments.

14.—(1) Any proceedings pending immediately before the commencement of this Order in the Supreme Court of the Colony may be continued after the commencement of this Order in the Court as if they had been commenced therein.

(2) Any judgment of the Supreme Court of the Colony given, but not satisfied, before the commencement of this Order may be enforced, appealed against or otherwise dealt with after the commencement of this Order as if it were a judgment of the Court.

Construction of existing laws.

15. Any reference in any law made before the commencement of this Order to the Supreme Court of the Colony, to the Chief Justice or to a judge of that court shall, unless the context otherwise requires, be construed as a reference to the Court, to the Chief Justice or to a Judge, as the case may be.

Existing jurisdiction and powers.

16. Subject to the provisions of any law for the time being in force in the Colony, the Court shall have the same jurisdiction and powers as were possessed by the Supreme Court of the Colony immediately before the commencement of this Order.

W. G. Agnew.

Section 5.

SCHEDULE FORMS OF OATHS AND AFFIRMATIONS

1. *Oath of Allegiance*

I,, swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Affirmation of Allegiance*

I,, solemnly and sincerely affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. *Oath for due execution of office of Judge*

I,, swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of..... and will do right to all manner of people after the laws and usages of Seychelles, without fear or favour, affection or ill-will. So help me God.

4. *Affirmation for the due execution of office of Judge*

I,, solemnly and sincerely affirm that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of and will do right to all manner of people after the laws and usages of Seychelles, without fear or favour, affection or ill-will.

MALTA

The Malta (Constitution) (Amendment) (No. 2) Order in Council 1964

At the Court at Buckingham Palace the 29th day of May 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Malta (Constitution) (Amendment) (No. 2) Order in Council 1964 and shall be construed as one with the Malta (Constitution) Order in Council 1961(a) (hereinafter called "the principal Order").

Citation and construction.

2. Notwithstanding the provisions of subsection (1) of section 104 of the principal Order, a statement of the estimated receipts and expenditure of Malta for the financial year ending on 31st March 1965 may be laid before the Assembly at any time before 31st July 1964.

Modification of s. 104 of Order of 1961.

3. Notwithstanding the provisions of section 107 of the principal Order or any other law, the Minister responsible for finance may, in respect of the financial year ending on 31st March 1965, authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure to any amount necessary for carrying on the government of Malta until the end of September 1964 or the coming into operation of the Appropriation Act in respect of that financial year, whichever is the earlier.

Modification of s. 107 of Order of 1961.

4. The Malta (Constitution) (Amendment) Order in Council 1964(b) is revoked.

Revocation of Order of 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Malta (Constitution) Order in Council 1961 so as to extend the date for the presentation of annual estimates for the financial year ending on 31st March 1965.

(a) S.I. 1961 III, p. 4581.

(b) S.I. 1964 I, p. 1215.

AFRICA

The Basutoland (Electoral Provisions) Order 1964

At the Court at Buckingham Palace the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course there should be established for Basutoland a Parliament containing a Senate and a National Assembly and that the National Assembly should consist of sixty members each of whom should be elected at elections held on the basis of universal adult suffrage :

And whereas it is further proposed that, for the purpose of electing the members of the National Assembly, Basutoland should be divided into sixty constituencies :

Now, therefore, Her Majesty, by virtue and in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Basutoland (Electoral Provisions) Order 1964 and shall be construed as one with the Basutoland (Constitution) Order in Council 1959(a).

(2) This Order shall come into operation forthwith.

2. The Resident Commissioner may by regulation, which shall be published in the Gazette, make provision, for the purpose of the election of members of the National Assembly, for—

- (a) the division of Basutoland into sixty constituencies ;
- (b) the qualifications and disqualifications for registration as a voter ;
- (c) the registration of voters ; and
- (d) any matter that appears to him to be incidental thereto or consequential thereon.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order enables the Resident Commissioner of Basutoland to make provision under which preparations may be made for the election of members of the National Assembly that it is proposed in due course to establish for Basutoland.

(a) S.I. 1959 II, p. 3308.

Citation,
construction
and com-
mencement.

Power to
make
regulations.

AFRICA

The Basutoland (Constitution) (Amendment) (No. 2) Order 1964

At the Court at Buckingham Palace the 27th day of July 1964

Present.

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Basutoland (Constitution) (Amendment) (No. 2) Order 1964 and shall be construed as one with the Basutoland (Constitution) Orders in Council 1959 and 1960(a) and the Basutoland (Constitution) (Amendment) Order 1964(b). Citation, construction and commencement.

(2) Section 1 of the Basutoland (Constitution) (Amendment) Order 1964 is amended by the deletion of subsection (2).

(3) This Order, the Basutoland (Constitution) Orders in Council 1959 and 1960, and the Basutoland (Constitution) (Amendment) Order 1964 may be cited together as the Basutoland (Constitution) Orders 1959 to 1964.

(4) The Basutoland (Resident Commissioner) Order 1963(c) is revoked.

(5) This Order shall come into operation on 1st August 1964.

2. The following new Part is inserted immediately after Part I of the Basutoland (Constitution) Order in Council 1959 (hereinafter called "the principal Order")— Insertion of new Part in principal Order.

" PART IA

Resident
Com-
missioner.

2A.—(1) There shall be a Resident Commissioner for Basutoland who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) Before entering on the duties of his office, the Resident Commissioner shall make the oath or affirmation of allegiance in the forms set out in the Sixth Schedule to this Order and the oath or affirmation for the due execution of the office of Resident Commissioner in the forms set out in the Seventh Schedule to this Order.

(3) The Resident Commissioner shall have such powers and duties as are conferred or imposed upon him by or under this Order or any other law and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and of any other law by which any such powers or duties are conferred or imposed, shall do and

(a) S.I. 1959 II, p. 3308 and S.I. 1960 III, p. 4104.

(b) S.I. 1964 II, p. 3118.

(c) S.I. 1963 III, p. 4804.

execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him ; but the question whether he has in any matter complied with such instructions shall not be enquired into in any court.

Discharge of Resident Commissioner's functions in case of vacancy, absence, etc.

2B.—(1) During any period when the office of Resident Commissioner is vacant or the Resident Commissioner is absent from Basutoland or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by—

- (a) such person as Her Majesty may designate in that behalf by Instructions given under Her Sign Manual and Signet or through a Secretary of State : or
- (b) if there is no person in Basutoland so designated or the person so designated is absent from Basutoland or is unable to discharge the functions of the office of Resident Commissioner, the Chief Secretary.

(2) Before assuming the functions of the office of Resident Commissioner any person as aforesaid shall make the oaths or affirmations directed by the last foregoing section to be made by the Resident Commissioner.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Resident Commissioner after the Resident Commissioner or some other person having a prior right to perform those functions has notified him that he is about to assume or resume those functions.

(4) The Resident Commissioner or any other person as aforesaid shall not, for the purposes of this section, be regarded as absent from Basutoland or as unable to perform the functions of the office of Resident Commissioner at any time when there is a subsisting appointment of a deputy under the next following section.

(5) In this section "Resident Commissioner" means the person holding the office of Resident Commissioner.

Deputy to Resident Commissioner.

2C.—(1) Whenever the Resident Commissioner—

- (a) has occasion to be absent from the seat of Government but not from Basutoland ; or
- (b) has occasion to be absent from Basutoland for a period that he has reason to believe will be of short duration ; or
- (c) is suffering from any illness that he has reason to believe will be of short duration,

he may by instrument under the public seal appoint any person to be his deputy and in that capacity to perform on his behalf such of the functions of the office of Resident Commissioner as may be specified in that instrument.

(2) The powers and authority of the Resident Commissioner shall not be abridged, altered or in any way affected by the appointment of a deputy under this section and a deputy shall comply with all instructions that the Resident Commissioner may from time to time address to him ; but the question whether a deputy has in any matter complied with such instructions shall not be enquired into in any court.

(3) Any appointment under this section may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Resident Commissioner by instrument under the public seal and, subject thereto, a person appointed as a deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he is appointed.

(4) In this section "the Resident Commissioner" means the person holding the office of Resident Commissioner and includes any person discharging the functions of that office under the preceding section.

(5) In subsection (1) of this section the reference to any functions of the office of Resident Commissioner does not include a reference to any functions conferred upon the Resident Commissioner by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order or the Emergency Powers Order in Council 1939(a) as from time to time amended.

Resident Commissioner's powers of pardon.

2D. The Resident Commissioner may in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in the commission of any offence for which he may be tried by any court established for Basutoland or to any person convicted of any offence by such a court, a pardon either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person by such a court ;
- (c) substitute a less severe form of punishment for that imposed by any sentence of such a court ; or
- (d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by such a court.

Public seal.

2E. The Resident Commissioner shall keep and use the public seal of Basutoland.

Power to constitute offices and make appointments, etc.

2F.—(1) The Resident Commissioner, in the name and on behalf of Her Majesty, may constitute such offices for Basutoland as may be lawfully constituted by Her Majesty and may abolish any office so constituted by him.

(a) See S.I. 1952 I, at p. 621. The relevant amending instruments are S.I. 1956/731, 1963/88, 1633, 1964/267, 1199 (1956 I, p. 512; 1963 I, p. 105; III, p. 3084; 1964 I, p. 467; II, p. 2781).

(2) Subject to the provisions of this Order and of any other law for the time being in force in Basutoland, the Resident Commissioner may—

(a) make appointments, to be held during Her Majesty's pleasure, to any office constituted under this section; and

(b) dismiss, or suspend from the exercise of the functions of his office, any person appointed to such an office or take such other disciplinary action as he may think fit with respect to such a person.”.

Amendment
of principal
Order.

3.—(1) The principal Order is amended as follows:—

(a) section 4 is replaced by the following new section—

“ Ex officio Members. 4. The Ex officio Members of the Executive Council shall be the Chief Secretary, the Attorney-General and the Finance Secretary.”;

(b) section 13 is replaced by the following new section—

“ Presiding in Executive Council. 13. The Resident Commissioner shall, so far as practicable, attend and preside at all meetings of the Executive Council, and in his absence the senior Ex officio Member present shall preside; and for the purpose of this section the Ex officio Members shall take seniority in the order in which they are mentioned in section 4 of this Order.”;

(c) section 20 is replaced by the following new section—

“ Voting. 20.—(1) Where any matter is dependent upon the decision of the Executive Council, any decision shall be regarded as the decision of the Executive Council if a majority of the votes of the Members present and voting are cast in favour thereof.

(2) The Resident Commissioner, or in his absence, the Member presiding, shall have an original vote and shall also, if upon any question the votes shall be equally divided, have and exercise a casting vote.”;

(d) section 22 is replaced by the following new section—

“ Resident Commissioner may act in opposition to Executive Council. 22.—(1) In any case where the Resident Commissioner is required to consult the Executive Council he may act in opposition to the advice given to him by the Council if he considers it right to do so, and if he so acts the Resident Commissioner shall, at the first convenient opportunity, report the matter to Her Majesty through a Secretary of State with the reasons for such action.

(2) The Resident Commissioner shall in like manner report to Her Majesty through a Secretary of State in any case where the Resident Commissioner, acting in accordance with the advice of the Executive Council, nevertheless acts contrary to the opinion of all the Council Members and the Paramount Chief:

Provided that the provisions of this subsection shall not apply in any case where the Executive Council is consulted in regard to the exercise of the prerogative of mercy.

(3) Whenever the Resident Commissioner acts against the advice of the Executive Council or the opinion of all the Council Members and the Paramount Chief, any Member of the Executive Council may require that there shall be recorded upon the minutes any advice or opinion he may give upon the question at issue and the reasons therefor.”;

(e) section 31 is amended by the substitution of the words “ the Chief Secretary, the Attorney-General, the Finance Secretary ”, for the words “ the Government Secretary, the Finance Secretary, the Assistant Attorney-General ”;

(f) the words “ the Resident Commissioner ” are substituted for the following expressions wherever they occur in the principal Order, that is to say “ the High Commissioner or the Resident Commissioner, as the case may be ”, “ the High Commissioner or Resident Commissioner, as the case may be, ”, “ the High Commissioner or of the Resident Commissioner ”, “ the High Commissioner or the Resident Commissioner ”, “ the High Commissioner or Resident Commissioner ” and “ the High Commissioner through the Resident Commissioner ”.

(2) Subject to the foregoing provisions of this section, references in the principal Order to High Commissioner’s expenditure, High Commissioner’s objections, High Commissioner’s certificate, High Commissioner’s Proclamation except in section 98, or High Commissioner’s matters shall be construed, respectively, as references to Resident Commissioner’s expenditure, Resident Commissioner’s objections, Resident Commissioner’s certificate, Resident Commissioner’s Proclamation and Resident Commissioner’s matters.

(3) Subject to the foregoing provisions of this section, references in the principal Order, except in sections 2(1), 44(5), 47(2), 63(2) and 97(1), to the High Commissioner shall be construed as references to the Resident Commissioner.

(4) The sections of the principal Order mentioned in the first column of the Schedule to this Order are amended by the deletion therefrom of the provisions or words mentioned in the second column of that Schedule.

(5) The following new Schedules are inserted in the principal Order immediately after the Fifth Schedule—

“ SIXTH SCHEDULE Section 2A(2)

FORMS OF OATH OR AFFIRMATION OF ALLEGIANCE

1. *Oath of Allegiance*

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. *Affirmation of Allegiance*

I,, solemnly and sincerely affirm, that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

Section 2A(2)

SEVENTH SCHEDULE

FORMS OF OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE
OFFICE OF RESIDENT COMMISSIONER1. *Oath for the due execution of the office of Resident Commissioner*

I,....., swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Resident Commissioner. So help me God.

2. *Affirmation for the due execution of the office of Resident Commissioner*

I, , solemnly and sincerely affirm that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Resident Commissioner.”.

Adaptation
of existing
laws.

4.—(1) The Resident Commissioner may by order published in the Gazette at any time within six months after the commencement of this Order make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the principal Order as amended by this Order or otherwise for giving effect or enabling effect to be given to those provisions.

(2) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(3) For the purposes of this section, the expression “any existing law” means any Law, Proclamation, rule, regulation, order or other instrument made in pursuance of, or kept in force by, the principal Order, and having effect as part of the law of Basutoland immediately before the commencement of this Order.

Transitional
provisions.

5.—(1) Where, immediately before the commencement of this Order, any person is holding or acting in any office by virtue of having been appointed thereto by the High Commissioner under the principal Order and the principal Order as amended by this Order provides that appointments to that office shall be made by the Resident Commissioner that person shall, as from the commencement of this Order, be deemed to have been appointed to hold or to act in that office by the Resident Commissioner under the principal Order as so amended and to have made any oath or affirmation required by the principal Order as so amended.

(2) The person who, immediately before the commencement of this Order, is duly recognised by the High Commissioner as the Paramount Chief of Basutoland under section 70(1) of the principal Order shall, as from the commencement of this Order, be deemed to be duly recognised as such by the Resident Commissioner under section 70(1) of the principal Order as amended by this Order.

(3) Any office, that was constituted for Basutoland by the High Commissioner under section 8 of the Basutoland, Bechuanaland Protectorate and Swaziland (High Commissioner) Order 1963(a) and is subsisting immediately before the commencement of this Order, shall with effect from the commencement of this Order be deemed to have been constituted by the Resident Commissioner under section 2F of

the principal Order as amended by this Order ; and any person, who immediately before the commencement of this Order holds or is acting in any such office by virtue of having been appointed thereto by the High Commissioner under the said section 8, shall as from the commencement of this Order be deemed to have been appointed to that office by the Resident Commissioner under the said section 2F.

W. G. Agnew.

SCHEDULE

Section 3(4)

<i>Section</i>	<i>Provisions or words deleted</i>
Section 3	the whole of subsection (3).
Section 5	in subsection (1) the words " after consultation with the Resident Commissioner "
Section 8	in paragraph (b) of subsection (2) the words "after consulting the Resident Commissioner "
Section 11	the words " After the High Commissioner and the Resident Commissioner "
Section 14	the whole.
Section 16	the proviso to paragraph (a).
Section 19(1)	the words " the High Commissioner "
Section 21(1)	the words " the High Commissioner "
Section 34	the words " after consultation with the Resident Commissioner "
Section 50 (1)	the words " High Commissioner and "
Section 64	in subsection (2) the words " for the High Commission Territories "
Section 93A	the whole.

AFRICA

The Basutoland (Public Service Commission) (Amendment) Order 1964

At the Court at Buckingham Palace the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and com-
mencement.

1.—(1) This Order may be cited as the Basutoland (Public Service Commission) (Amendment) Order 1964 and shall be construed as one with the Basutoland (Public Service Commission) Order in Council 1962(a).

(2) This Order and the Basutoland (Public Service Commission) Order in Council 1962 may be cited together as the Basutoland (Public Service Commission) Orders 1962 and 1964.

(3) This Order shall come into operation on 1st August 1964.

Amendment
of section 2
of the
Basutoland
(Public
Service Com-
mission)
Order in
Council 1962.

2. In subsection (1) of section 2 of the Basutoland (Public Service Commission) Order in Council 1962 (in this Order referred to as "the principal Order") for the definition of "the Gazette" there are substituted the following definitions:—

"the Gazette" means the Basutoland Government Gazette;

"the Resident Commissioner" means the Resident Commissioner for Basutoland and includes any person appointed to act as Resident Commissioner and, to the extent that a deputy to the Resident Commissioner is authorised to act, that deputy;".

Amendment
of section 8
of the
principal
Order.

3. In section 8 of the principal Order the words "and the Resident Commissioner of Basutoland in the exercise of any powers and the performance of any duties delegated to him under the provisions of this Order" are omitted.

Interpreta-
tion.

4. References in the principal Order, except in section 1(2) and section 2(1), to the High Commissioner shall be construed as references to the Resident Commissioner.

Transitional.

5.—(1) Any person who has been appointed to an office by the High Commissioner under the provisions of the principal Order before the commencement of this Order and who, immediately before the commencement of this Order, holds or is acting in that office shall, on the commencement of this Order, be deemed to have been appointed to hold or to act in that office by the Resident Commissioner in pursuance of the principal Order as amended by this Order.

(2) Any power that immediately before the commencement of this Order is vested in the High Commissioner in pursuance of the powers conferred on him by the principal Order, before the amendment of that Order by this Order, and that under that Order is then delegated to some other person, shall, as from the commencement of this Order, be deemed to have been delegated to such person in pursuance of the principal Order as amended by this Order.

(a) S.I. 1962 II, p. 2394.

(3) Any regulations made by the High Commissioner under sections 3(2), 5(2) or 6 of the principal Order, and in force immediately before the commencement of this Order, shall be deemed to have been made by the Resident Commissioner in pursuance of the principal Order as amended by this Order

W. G. Agnew.

AFRICA

The Basutoland Royal Instructions 1964

Dated: 27th July 1964.

ELIZABETH R.

INSTRUCTIONS to Our Resident Commissioner for Basutoland, or other officer for the time being discharging the functions of the office of Resident Commissioner.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

Citation,
publication
and com-
mencement.

1.—(1) These Instructions may be cited as the Basutoland Royal Instructions 1964.

(2) The Basutoland Royal Instructions 1963(a) are revoked.

(3) These Instructions shall be published in the Gazette and shall take effect on the day on which the Basutoland (Constitution) (Amendment) Order 1964(b) comes into operation.

Interpreta-
tion.

2.—(1) In these Instructions, unless the context otherwise requires—
“the Commissioner” means Our Resident Commissioner for Basutoland ;

“the Constitution” means the Basutoland (Constitution) Order in Council 1959(c) as amended from time to time ;

“the Gazette” means the Basutoland Government Gazette ;

“Paramount Chief” means the Paramount Chief of Basutoland or the Regent or Acting Paramount Chief for the time being recognised as such by the Commissioner in pursuance of section 70 of the Constitution.

(2) In these Instructions, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to discharge the functions of that office.

Commis-
sioner to
communicate
Instructions
to Executive
Council.

3. The Commissioner shall forthwith communicate to the Executive Council these Instructions and all such others as he shall, from time to time, find convenient for Our Service to impart to the Executive Council.

Laws, etc.
to be sent
through
Secretary of
State.

4. When any Law or Proclamation has been enacted for Basutoland or any Bill has been reserved for the signification of Our pleasure, the Commissioner shall forthwith transmit to Us, through a Secretary of State, for the signification of Our pleasure, a transcript in duplicate of the Law, Proclamation or Bill, duly authenticated under the public seal of Basutoland and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Law or Proclamation or passing of the Bill.

Laws and
Proclama-
tions to be
published.

5. As soon as practicable after the commencement of each year, the Commissioner shall cause a complete collection of all Laws and Proclamations enacted for Basutoland during the preceding year to be published in Basutoland for general information.

(a) S.I. 1963 III, p. 4807. (b) S.I. 1964 II, p. 3118. (c) S.I. 1959 II, p. 3308.

6. A full and exact copy of the minutes of each meeting of the Executive Council shall, as soon as they have been confirmed in pursuance of section 24 of the Constitution, be transmitted to the Paramount Chief.

Minutes of Executive Council.

7. In the making of Laws, the following rules shall be observed as far as practicable:—

Rules for the enactment of Laws.

(a) The words of the enactment shall be “Enacted by the Legislature of Basutoland” save that, in the case of any Bill becoming law by virtue of section 55 of the Constitution, the words “in pursuance of section 55 of the Basutoland (Constitution) Order in Council 1959” shall be added.

(b) All Laws shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every such section there shall be annexed in the margin or at the head of each section a short summary of its contents.

(c) Matters having no proper relation to each other shall not be provided for by the same Law; no Law shall contain anything foreign to what the title of the Law imports; and no provision having indefinite duration shall be included in any Law expressed to have limited duration.

(d) The Laws of each year shall each be distinguished by consecutive numbers, commencing in each year with the number one.

(e) Laws assented to by the Commissioner shall be dated as of the day on which such assent is given, but, whatever that day may be, shall be numbered as of the year in which they are passed by the Basutoland National Council. Laws reserved for the signification of Our pleasure shall be dated as of the day and numbered as of the year on and in which they become law.

(f) All Laws shall be published in the Gazette.

(g) Copies of all Laws shall be printed and shall bear the following:—

(i) in the case of a Law assented to by the Commissioner particulars of the day on which the Commissioner shall have given his assent thereto;

(ii) in the case of a Law assented to by Us through a Secretary of State, particulars of the day on which the Commissioner shall have signified Our assent thereto by notice in the Gazette;

(iii) particulars of the day on which each Law shall have come into operation, or, if that day shall not have been determined, a reference to any provision in the Law whereby it may be determined.

8. Save as may otherwise be expressly provided by the Constitution in regard to the Commissioner's obligation to reserve certain Bills for the signification of Our pleasure, the Commissioner shall not, without having previously obtained Our instructions through a Secretary of State, assent to any Bill within any of the following classes, unless such Bill shall contain a clause suspending the operation thereof until the signification of Our pleasure thereon, that is to say:—

Certain Bills not to be assented to without instructions.

(a) any Bill for the divorce of married persons;

(b) any Bill whereby any grant of land or money or other donation may be made to himself;

- (c) any Bill affecting the currency or relating to the issue of bank notes ;
- (d) any Bill establishing any banking association or altering the constitution, powers or privileges of any such association ;
- (e) any Bill imposing differential duties ;
- (f) any Bill the provision of which shall appear to him inconsistent with obligations imposed upon Us by Treaty ;
- (g) any Bill affecting the discipline or control of Our naval, military or air forces ;
- (h) any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in Basutoland, or the trade or transport or communications of any part of Our dominions or any territory under Our protection or in which We have for the time being jurisdiction may be prejudiced ;
- (i) any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us :

Provided that the Commissioner may, without such instructions as aforesaid and although the Bill contains no such clause as aforesaid, assent in Our name to any Bill falling within the classes described in this clause (except a Bill within the class mentioned in paragraph (f) of this clause), if he shall have satisfied himself that an urgent necessity exists requiring that the Bill be brought into immediate operation ; but in any such case he shall forthwith transmit to Us through a Secretary of State the Bill to which he shall have assented together with his reasons for assenting to the same.

Bills intended to benefit only private persons or bodies.

9.—(1) Every Bill (not being a public measure) intended to affect or benefit some particular person, association or corporate body, shall contain a clause saving the rights of Us, Our Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from or under them.

(2) No such Bill shall be introduced into the Basutoland National Council until due notice has been given by not less than two successive publications of the Bill in the Gazette and the Commissioner shall not assent in Our name to any such Bill unless it has been so published. A certificate under the hand of the Commissioner signifying that such publication has been made shall be transmitted to Us with the Bill or Law.

Additional Rules for the printing of Laws and the enactment of Proclamations.

10.—(1) The following rules shall be observed in regard to Laws passed by the Basutoland National Council, in addition to those set out in clause 7 of these Instructions, that is to say :—

All copies of Laws when printed in pursuance of paragraph (g) of the said clause 7 shall bear :—

- (i) in the case of a Law to which the Paramount Chief has consented under the provisions of section 56(1) of the Constitution, particulars of the day on which the Paramount Chief shall have given his consent ; or

(ii) in the case of a Law to which the consent of the Paramount Chief shall be deemed to have been given under the provisions of subsections (2) or (6) of section 56 of the Constitution, an endorsement to that effect.

(2) In the making of Proclamations under the powers conferred on the Commissioner by sections 45 and 46 of the Constitution, the following Rules shall be observed as far as practicable :—

(a) The words of enactment shall, subject to the provisions of clause 11(2) of these Instructions, be “Enacted by the Commissioner”.

(b) The provisions of clause 7(b), (c), (d) and (f) of these Instructions shall apply *mutatis mutandis*.

(c) Copies of every Proclamation shall be printed and shall bear the following :—

(i) particulars of the date on which it is made ;

(ii) particulars of the day on which the Proclamation shall have come into operation, or, if that day shall not have been determined, a reference to any provision in the Proclamation whereby it may be determined.

11.—(1) Except with the prior approval of a Secretary of State, the Commissioner shall not make any Proclamation which—

(a) contains any provision that, if it were contained in a Bill, would be a matter falling within any of the paragraphs (a) to (i) of clause 8 of these Instructions ; or

(b) provides for the raising or servicing of any public loans ; or

(c) though it concerns matters defined as “Commissioner’s matters” in the Third Schedule to the Constitution, deals in any way with any of the following matters that under the Constitution are “Council matters”, that is to say :—

(i) the control of societies or public meetings ;

(ii) the registration or control of newspapers or other publications ;

(iii) the licensing or control of theatres, cinemas, stage plays or films ;

(iv) censorship.

(2) Where the Secretary of State gives prior approval to the making of a Proclamation in pursuance of paragraph (1) of this clause, the enacting words of such Proclamation when it is made shall be “Enacted by the Commissioner with the prior approval of the Secretary of State”.

Commissioner not to make Proclamation touching certain matters without prior approval.

12. In preparing the annual estimates of revenue and expenditure in pursuance of section 85 of the Constitution, the Commissioner shall estimate his requirements for Commissioner’s expenditure as defined in the said section on the basis that a ratio of forty-nine per centum of the total of the annual estimates of expenditure presented to the Basutoland National Council shall be Commissioner’s expenditure and that the remaining fifty-one per centum shall be the ratio of Council expenditure as defined in that section. Nevertheless, the said

Ratio of Commissioner’s expenditure and Council expenditure in the annual budget.

ratio of forty-nine per centum of Commissioner's expenditure may be increased to fifty-three decimal nine per centum either in the annual estimates or in the course of a financial year in consequence of the approval of supplementary expenditure, provided always that the total of Commissioner's expenditure in any financial year shall not exceed fifty-three decimal nine per centum of the total expenditure for that year unless the National Council shall, by resolution, agree to any such excess.

Certain resolutions of the National Council.

13. If the Basutoland National Council shall pass any resolution relating to a public office under the provisions of section 86(4) or of section 88(2) of the Constitution, the Commissioner shall, if requested to do so by the terms of the resolution, forward the same with all despatch to Us through a Secretary of State together with a full report of the debate or debates in the National Council which gave rise to such a resolution.

Regulation of power of pardon in capital cases.

14.—(1) Whenever any offender has been condemned by any civil court established for Basutoland to suffer death for any offence, the Commissioner shall cause a written report of the case of that offender from the Judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Commissioner may require, to be taken into consideration at a meeting of the Executive Council.

(2) The Commissioner shall not pardon or respite any such offender unless it shall appear to the Commissioner expedient so to do, upon receiving the advice thereon of the Executive Council ; but in all such cases the Commissioner is to decide either to extend or to withhold a pardon or respite according to his own deliberate judgment, whether the members of the Executive Council concur therein or otherwise ; causing, nevertheless, to be entered on the minutes of the Executive Council a statement of his reasons at length, in case he should decide any such question in opposition to the judgment of the majority of the members thereof.

Oath of allegiance by public officer.

15. The Commissioner may, whenever he thinks fit, require any person in the public service of Basutoland to make an oath or affirmation of allegiance in the form set out in the Constitution together with any other oath or affirmation that may be prescribed by any law in force in Basutoland.

Commissioner's absence.

16. Except in circumstances in which he has appointed a deputy under section 2C of the Constitution the Commissioner shall not leave Basutoland without having first obtained through a Secretary of State leave from Us for so doing.

Given at Our Court at St. James's this 27th day of July 1964 in the thirteenth year of Our Reign.

AFRICA

The Bechuanaland Additional Instructions 1964

Dated: 27th July 1964.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Commissioner for the Bechuanaland Protectorate or other Officer for the time being discharging the functions of that office.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1.—(1) These Instructions may be cited as the Bechuanaland Additional Instructions 1964 and shall be construed as one with the Instructions under Our Royal Sign Manual and Signet to Our Commissioner for the Bechuanaland Protectorate dated the 27th September 1963(a).

Citation, construction, publication and commencement.

(2) These Instructions shall be published in the Gazette and shall come into effect on the day on which the Bechuanaland Protectorate (Constitution) (Amendment) Order 1964(b) comes into operation.

2. The definition of “the High Commissioner” is deleted from clause 2 of the Bechuanaland Royal Instructions 1963(a).

Amendment of clause 2 of Bechuanaland Royal Instructions 1963.

3. Clause 3 of the Bechuanaland Royal Instructions 1963 is revoked.

Revocation of clause 3 of Bechuanaland Royal Instructions 1963.

Given at Our Court at St. James's this 27th day of July 1964 in the thirteenth year of Our Reign.

(a) S.I. 1963 III, p. 4813. (b) S.I. 1964/1189 (1964 II, p. 2764), operative date 1.8.64.

AFRICA

The Swaziland Additional Instructions 1964

Dated: 27th July 1964.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to our Commissioner for Swaziland or other Officer for the time being discharging the functions of that office.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

Citation,
construction,
publication
and com-
mencement.

1.—(1) These Instructions may be cited as the Swaziland Additional Instructions 1964 and shall be construed as one with the Instructions under Our Royal Sign Manual and Signet to Our Commissioner for Swaziland dated the 20th December 1963(a).

(2) These Instructions shall be published in the Gazette and shall come into effect on the day on which the Swaziland (Amendment) Order 1964(b) comes into operation.

Revocation
of clause 3
of Swaziland
Royal
Instructions
1963.

2. Clause 3 of the Swaziland Royal Instructions 1963(a) is revoked.

Given at Our Court at St. James's this 27th day of July 1964 in
the thirteenth year of Our Reign.

(a) S.I. 1963 III, p. 4836. (b) S.I. 1964/1192 (1964 II, p. 2770), operative date 1.8.64.

GIBRALTAR

The Gibraltar (Constitution) Order 1964

At the Court at Buckingham Palace the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Gibraltar (Constitution) Order 1964. Citation and commencement.

(2) This Order shall come into operation on 1st August 1964.

2.—(1) In this Order—

“the appointed day” means such day after the commencement of this Order as the Governor may by notice in the Gazette appoint^(a);

“the existing instruments” means the instruments set out in schedule 1 to this Order;

“the Constitution” means the Constitution set out in schedule 2 to this Order.

Interpretation.

(2) Unless the context otherwise requires, the expressions used in sections 1 to 9 (inclusive) of this Order have the same meanings as in the Constitution and the provisions of section 1 of the Constitution shall apply for the purpose of interpreting those sections as they apply for the purpose of interpreting the Constitution.

3. With effect from the appointed day the existing instruments are revoked. Revocation.

4. The Constitution shall come into effect in Gibraltar on the appointed day. Establishment of the Constitution.

5.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the existing instruments, have effect after the appointed day as if they had been made in pursuance of this Order and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order. Existing laws.

(2) The Governor may, by order published in the Gazette, at any time within six months after the appointed day, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order

(a) Day appointed 6.8.64.

or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order.

(3) An order made under this section may be amended, revoked or replaced by a further order so made, or, in relation to any law or instrument affected thereby, by the authority having power to amend, repeal or revoke that law or instrument.

(4) For the purposes of this section, the expression "the existing laws" means all Ordinances, laws, rules, regulations, orders and other instruments made in pursuance of, or kept in force by, the existing instruments, and having effect as part of the law of Gibraltar immediately before the appointed day.

Holders of
existing
offices.

6.—(1) Persons who immediately before the appointed day are holding or acting in offices established by or under the existing instruments shall, on and after that day, continue to hold or to act in their respective offices as if they had been appointed thereto by or under the Constitution and had made any oaths or affirmation required by or under the Constitution.

(2) Subject to the provisions of the next following section, the reference in subsection (1) of this section to offices established by or under the existing instruments does not include a reference to the office of Chief Secretary, member of the Executive Council or member of the Legislative Council.

Executive
Council.

7. Notwithstanding the revocation by this Order of the existing instruments, the Executive Council established by the existing instruments—

(a) shall continue to exist until such time as the Gibraltar Council established by the Constitution has been constituted; and

(b) shall, until that time, perform its functions and be consulted by the Governor in accordance with the provisions of the existing instruments.

Rules and
orders.

8. The Standing Rules and Orders of the Legislative Council constituted by the existing instruments as in force immediately before the appointed day shall, as from the appointed day and until it is otherwise provided under section 38 of the Constitution continue to be the rules and orders of the Legislative Council constituted by the Constitution, but shall be construed with such modifications and adaptations, if any, as may be necessary to bring them into conformity with the Constitution.

Power
reserved to
Her
Majesty.

9. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of Gibraltar (including, without prejudice to the generality of the foregoing, laws amending or revoking this Order).

W. G. Agnew.

SCHEDULE 1 TO THE ORDER

Section 3.

INSTRUMENTS REVOKED

Reference	Short Title
1950 II, p. 1538 ...	The Gibraltar Letters Patent 1950.
1956 II, p. 3007 ...	The Gibraltar (Amendment) Letters Patent 1955.
1950 II, p. 1526 ...	The Gibraltar (Legislative Council) Order in Council 1950.
1956 II, p. 3004 ...	The Gibraltar (Legislative Council) (Amendment) Order in Council 1956.
1956 II, p. 3005 ...	The Gibraltar (Legislative Council) (Amendment No. 2) Order in Council 1956.
1959 II, p. 3472 ...	The Gibraltar (Legislative Council) (Amendment) Order in Council 1959.
1963 I, p. 1421 ...	The Gibraltar (Legislative Council) (Amendment) Order in Council 1963.

SCHEDULE 2 TO THE ORDER

Section 2(1).

THE CONSTITUTION OF GIBRALTAR

ARRANGEMENTS OF SECTIONS

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Miscellaneous

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2. Re-appointments and concurrent appointments.
3. Resignations.

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The Governor

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5. Oaths to be taken by Governor.
6. Acting Governor.
7. Deputy to Governor.
8. Powers to dispose of land.
9. Power to constitute offices and make appointments, etc.
10. Powers of pardon, etc.
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Section

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SCHEDULE TO THE CONSTITUTION.—Forms of Oaths and Affirmations.

PART I
Miscellaneous

- 1.—(1) In this Constitution, unless the context otherwise requires— Interpreta-
tion.
- “Gibraltar” means the City and Garrison of Gibraltar ;
- “the City Council” means the City Council of Gibraltar ;
- “the Gazette” means the Gibraltar Gazette ;
- “the Governor” means the Governor and Commander-in-Chief of Gibraltar ;
- “meeting” in relation to the Legislative Council, means all sittings of the Council commencing when the Council first meets after being summoned at any time, and terminating when the Council is adjourned *sine die*, or at the conclusion of a session ;
- “oath” includes affirmation ;
- “public office” means, subject to the provisions of subsections (4) and (5) of this section, any civil office of emolument under the Crown in Gibraltar or any civil office of emolument under the City Council ;
- “public officer” means the holder of a public office or a person appointed to act in a public office ;
- “the Public Seal” means the Public Seal of Gibraltar ;
- “session” in relation to the Legislative Council, means the sittings of the Council commencing when the Council first meets after being constituted under this Constitution, or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued ;
- “sitting” in relation to the Legislative Council, means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in committee ;
- (2) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to perform the functions of that office.
- (3) Where any power is conferred by this Constitution to make any Proclamation or rule, or give any direction, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such Proclamation, rule, or direction.
- (4) For the purposes of Part IV of this Constitution a person shall not be treated as holding, or acting in, a public office by reason only that—
- (i) he is in receipt of a pension or other like allowance in respect of service under the Crown in Gibraltar or under the City Council ;
or
- (ii) he is in employment of the City Council and is in receipt of remuneration at intervals of not more than one week ; or
- (iii) he holds an office of emolument under the Government of the United Kingdom, if immediately upon his election he shall cease to hold such office.
- (5) A provision in any law in force in Gibraltar that an office shall be deemed not to be a public office for any of the purposes of this Constitution shall have effect as if it were included in this Constitution.

(6) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Re-appointments and concurrent appointments.

2.—(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

Resignations.

3.—(1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected:

Provided that in the case of an Elected Member of the Legislative Council his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

PART II

The Governor

The Governor.

4.—(1) There shall be a Governor and Commander-in-Chief for Gibraltar who shall be appointed by Her Majesty by Commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and duties as are conferred or imposed on him by or under this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be enquired into in any court.

Oaths to be taken by Governor.

5. A person appointed to the office of Governor shall, before entering upon that office, make and subscribe the oath of allegiance and such oath for the due execution of his office in the forms set out in the schedule to this Constitution.

6.—(1) During any period when the office of Governor is vacant or the Governor is absent from Gibraltar or is for any other reason unable to perform the functions of his office those functions shall, during Her Majesty's pleasure, be assumed and performed by such person as Her Majesty may designate in that behalf by instructions given through a Secretary of State. Acting
Governor.

(2) Before assuming the functions of the office of Governor, any such person as aforesaid shall make the oaths or affirmations directed by the last foregoing section to be made by the Governor.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(4) The Governor or any other person as aforesaid shall not for the purposes of this section be regarded as absent from Gibraltar or as unable to perform the functions of the office of Governor at any time when there is a subsisting appointment of a deputy under the next following section.

7.—(1) Whenever the Governor—

(a) has occasion to be absent from Gibraltar for a period which he has reason to believe will be of short duration; or

(b) is suffering from an illness which he has reason to believe will be of short duration,

he may by instrument under the Public Seal appoint any person in Gibraltar to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument. Deputy to
Governor.

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and a deputy shall conform to and observe all instructions that the Governor may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court.

(3) A person appointed as a deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Governor.

(4) In this section "the Governor" means any person holding the office of Governor and includes any person discharging the functions of that office under the preceding section.

(5) In subsection (1) of this section the reference to any functions of the office of Governor does not include a reference to any functions conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order or the Emergency Powers Order in Council 1939(a).

(a) See S.I. 1952 I, at p. 621.

Powers to dispose of land.

8. Subject to the provisions of any law for the time being in force in Gibraltar, the Governor, in Her Majesty's name and on Her Majesty's behalf, may, under the Public Seal, make grants and dispositions of any lands or other immovable property in Gibraltar which may lawfully be granted or disposed of by Her Majesty.

Power to constitute offices and make appointments, etc.

9. Subject to the provisions of this Constitution and of any other law for the time being in force in Gibraltar, the Governor in Her Majesty's name and on Her Majesty's behalf may—

(a) constitute offices for Gibraltar and make appointments, to be held during Her Majesty's pleasure, thereto ; and

(b) terminate the appointment of any person so appointed or take such other disciplinary action in relation to him as the Governor may think fit.

Powers of pardon, etc.

10. Subject to the provisions of any Instructions given under Her Majesty's Sign Manual and Signet, the Governor may in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of an offence a pardon, either free or subject to lawful conditions ;

(b) grant to any person a respite, either indefinite or for a specified period, from the execution of any punishment imposed on that person for any offence ;

(c) substitute a less severe form of punishment for that imposed by any sentence for any offence ; or

(d) remit the whole or any part of any punishment imposed on any person for any offence or any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

Public Seal.

11. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

PART III

The Executive

Gibraltar Council.

12.—(1) There shall be an Executive Council for Gibraltar, to be known as "the Gibraltar Council", which, subject to the provisions of this Constitution, shall consist of four ex-officio members and five other members.

(2) The ex-officio Members of the Gibraltar Council shall be the Deputy Fortress Commander, the Permanent Secretary to the Government of Gibraltar, the Attorney-General and the Financial Secretary.

(3) The members of the Gibraltar Council (other than the ex-officio members) shall be such Elected Members of the Legislative Council as shall be appointed by the Governor under the provisions of subsections (2) and (3) of section 13 of this Constitution.

Appointment of members of Gibraltar Council.

13.—(1) Of the members of the Gibraltar Council who are Elected Members of the Legislative Council one shall be styled the Chief Minister.

(2) The Governor shall appoint as Chief Minister the Elected Member of the Legislative Council who in his judgment is most likely to command the greatest measure of confidence among the Elected Members of the Legislative Council.

(3) The members of the Gibraltar Council (other than the ex-officio members and the Chief Minister) shall be appointed by the Governor, after consultation with the Chief Minister, from among the Elected Members of the Legislative Council.

(4) If occasion arises for making an appointment under this section while the Legislative Council is dissolved a person who was an Elected Member of the Legislative Council immediately before the dissolution may be appointed as if he were still a member of the Legislative Council.

14.—(1) Any Elected Member of the Legislative Council shall while charged with responsibility for any business of the Government of Gibraltar under section 23 of this Constitution be styled a Minister. Council of Ministers.

(2) There shall be a Council of Ministers which shall consist of—

- (a) such Ministers as are members of the Gibraltar Council ; and
- (b) such other Ministers as may be designated by the Chief Minister.

(3) The Council of Ministers may make recommendations to the Gibraltar Council concerning any matter for which a Minister is responsible and concerning any other matter as may be referred to it by the Gibraltar Council.

(4) Subject to the provisions of this Constitution, the Gibraltar Council shall have the general direction and control of the Government of Gibraltar and Ministers shall be collectively responsible to the Legislative Council with respect to any matters with which Ministers are charged.

15.—(1) The Governor may remove the Chief Minister from office if in his judgment the Chief Minister has ceased to command the greatest measure of confidence among the Elected Members of the Legislative Council. Tenure of office of Ministers.

(2) The Chief Minister shall also vacate his office—

(a) when, after any dissolution of the Legislative Council, he is informed by the Governor that the Governor is about to re-appoint him as Chief Minister or to appoint another person as Chief Minister ; or

(b) if for any reason other than the dissolution of the Legislative Council he ceases to be a member of the Legislative Council.

(3) A Minister other than the Chief Minister shall vacate his office—

(a) whenever the Governor appoints or re-appoints any person to be Chief Minister ;

(b) if for any reason other than a dissolution of the Legislative Council he ceases to be a member of that Council ; or

(c) if the Governor, after consultation with the Chief Minister, so directs.

16. Whenever the office of Chief Minister is vacant or the Chief Minister is unable, by reason of illness or for any other cause, to perform the functions of his office, the Governor may authorise any other Minister of the Gibraltar Council to perform the functions of the Chief Minister, and any Minister so authorized may perform those functions until his authority is revoked by the Governor. Performance of functions of Chief Minister in certain events.

Temporary
members of
Gibraltar
Council.

17.—(1) Whenever a member of the Gibraltar Council, other than the Chief Minister, is unable, because he is ill or absent from Gibraltar or for any other reason, to perform his functions as a member of the Council, the Governor may appoint a person to be temporarily a member of the Council:

Provided that he shall appoint a person who is a public officer in place of an ex-officio member (other than the Deputy Fortress Commander), and a person who is an Elected Member of the Legislative Council in place of any member of the Gibraltar Council who is an Elected Member of the Legislative Council.

(2) A person appointed under this section to be temporarily a member of the Gibraltar Council shall cease to hold office as such when he is informed by the Governor that the member in whose place he was appointed is again able to perform the functions of his office, or when the office of the member in whose place he was appointed becomes vacant.

(3) The powers conferred on the Governor by this section to appoint a person to be temporarily a member of the Gibraltar Council in place of a member who is an Elected Member of the Legislative Council shall be exercised by him after consultation with the Chief Minister.

(4) Subject to the provisions of this section, the provisions of this Constitution shall apply in relation to a person appointed to be temporarily a member of the Gibraltar Council as they apply in relation to the ex-officio member, the Deputy Fortress Commander, or the member who is not an ex-officio member, as the case may be, in whose place he was appointed.

Oath of
Members of
Gibraltar
Council.

18. Before assuming the functions of his office a member of the Gibraltar Council shall make before the Governor, or some person authorised in that behalf by the Governor, an oath for the due execution of his office in the form set out in the schedule to this Constitution.

Summoning
of Gibraltar
Council.

19. The Gibraltar Council shall not be summoned except by the authority of the Governor:

Provided that the Governor shall summon the Council if the Chief Ministers so recommends.

Proceedings
in Gibraltar
Council.

20.—(1) The Governor shall, so far as is practicable, attend and preside at all meetings of the Gibraltar Council.

(2) In the absence of the Governor there shall preside at any meeting of the Council—

- (a) such member of the Council as the Governor may appoint; or
- (b) in the absence of a member so appointed the Permanent Secretary to the Government of Gibraltar.

(3) No business shall be transacted in the Gibraltar Council if objection is taken by any member present that there are less than two members of the Council present besides the Governor or other person presiding.

(4) Subject to the last foregoing subsection, the Gibraltar Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy when the Council is first constituted or is reconstituted at any time);

and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(5) (a) The Governor or other person presiding, when in his opinion the business before the Gibraltar Council makes it desirable, may summon any person to a meeting of the Council, notwithstanding that the person is not a member of the Council.

(b) Any person so summoned shall be entitled to take part as if he were a member in the proceedings of the Gibraltar Council relating to the matter in respect of which he was summoned, except that he shall not have a right to vote.

21.—(1) Subject to the provisions of this section, the Governor shall consult the Gibraltar Council in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in Gibraltar, except—

Governor to consult Gibraltar Council.

(a) any power conferred upon him by this Constitution or by any other law which he is empowered to exercise in pursuance of instructions from Her Majesty;

(b) any power conferred on him by the Constitution which he is directed or empowered by this Constitution to exercise after consultation with any person or authority other than the Council;

(c) any power conferred upon him by this Constitution or any other law which he is empowered, either expressly or by implication, to exercise without consulting the Council.

(2) Where the Governor is directed by this Constitution to exercise any power after consultation with any person or authority other than the Gibraltar Council he shall not be obliged to exercise that power in accordance with the advice of that person or authority.

(3) The Governor shall not be obliged to consult the Gibraltar Council in any case in which, in his judgment—

(a) it is in the public interest that he should act without consulting the Council thereon; or

(b) the matters to be decided are too unimportant to require the advice of the Council thereon; or

(c) the matters to be decided are too urgent to admit of the advice of the Council being given by the time within which it may be necessary for him to act:

Provided that before acting in pursuance of paragraph (c) of this subsection the Governor shall, if practicable, consult with the Chief Minister, and he shall in any case at the next convenient opportunity communicate to the Council the measures which he shall have adopted, with the reasons therefor.

22.—(1) In any case in which the Governor is required by the last foregoing section to consult the Gibraltar Council he may, if he thinks it right to do so, act against the advice given to him by the Council; but if he so acts he shall without delay report the matter to a Secretary of State with the reasons for his action.

Governor may act against advice of Gibraltar Council.

(2) Whenever the Governor acts against the advice of the Gibraltar Council any member of the Council may require that there shall be recorded in the minutes any advice or opinion he may give upon the question at issue and his reasons.

Assignment of Departments.

23. The Governor, after consultation with the Chief Minister, may, by directions in writing, charge any Elected Member of the Legislative Council or any ex-officio Member of the Gibraltar Council with responsibility for any business of the Government of Gibraltar, including the administration of any department of Government.

PART IV

Legislative Council

Establishment of Legislative Council.

24.—(1) There shall be a Legislative Council for Gibraltar, constituted in accordance with the provisions of this Constitution.

(2) The Legislative Council shall consist of—

- (a) the Speaker ;
- (b) two ex-officio Members ;
- (c) eleven Elected Members.

The Speaker and Acting Speaker.

25.—(1) The Governor shall, by instrument under the Public Seal, appoint a person to be Speaker of the Legislative Council.

(2) The Speaker shall hold office during Her Majesty's pleasure and, subject thereto, for such period as may be specified in the instrument by which he is appointed, and shall not vacate his office by reason of a dissolution of the Legislative Council.

(3) The Governor may by instrument under the Public Seal appoint a person to act as Speaker during any period when the office of Speaker is vacant, or the Speaker is for any reason unable to perform the functions of his office ; and the provisions of this Constitution other than subsection (1) of this section, shall apply in relation to that person as they apply in relation to the Speaker.

Ex-officio Members.

26. The ex-officio Members of the Legislative Council shall be the Attorney-General and the Financial Secretary.

Elected Members.

27. The Elected Members of the Legislative Council shall be persons qualified for election in accordance with the provisions of this Constitution and elected in the manner provided by, or in pursuance of, any law for the time being in force in Gibraltar.

Qualifications for Elected Members.

28. Subject to the provisions of section 29 of this Constitution, a person shall be qualified to be elected a member of the Legislative Council if, and shall not be qualified to be so elected unless, at the date of his nomination as a candidate for election he is a British subject who has attained the age of twenty-one years.

Disqualifications for Elected Members.

29.—(1) No person shall be qualified to be elected as an Elected Member of the Legislative Council who—

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ; or
- (b) is a member of the regular armed forces of Her Majesty ; or
- (c) is a minister of religion ; or
- (d) holds, or is acting in, a public office ; or

- (e) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ; or
- (f) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Gibraltar ; or
- (g) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is under a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ; or
- (h) is not qualified to be registered as a voter under the provisions of any law for the time being in force in Gibraltar, or being so qualified, is not so registered ; or
- (i) is disqualified for election by any law for the time being in force in Gibraltar by reason of his holding, or acting in, any office the functions of which involve—
 - (i) any responsibility for, or in connection with, the conduct of any election ; or
 - (ii) any responsibility for the compilation or revision of any electoral register ; or
- (j) is disqualified for membership of the Legislative Council by any law in force in Gibraltar relating to offences connected with elections.

(2) For the purpose of paragraph (g) of the last foregoing subsection—

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms ;
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

(3) The reference in subsection (1)(b) of this section to a member of the regular armed forces of Her Majesty shall not include a reference to an officer of the Reserve of Officers of the Gibraltar Regiment or a member of the Reserve of that Regiment except while he is called out for actual military service.

30. An Elected Member of the Legislative Council shall vacate his seat therein—

Tenure of
office of
Elected
Members.

- (a) on a dissolution of the Council ;
- (b) if he is appointed to be Speaker ;
- (c) if he is absent from six consecutive meetings of the Legislative Council without having obtained before the termination of any of such meetings from the Speaker, or other person presiding, permission to be or to remain absent therefrom ;
- (d) if any circumstances arise that, if he were not a member of the Legislative Council, would cause him to be disqualified for election thereto by virtue of paragraphs (a), (b), (c), (d), (e), (f), (h), (i) or (j) of subsection (1) of the last foregoing section ;
- (e) in the circumstances mentioned in the next following section.

Vacation
of seat on
sentence, etc.

31.—(1) Subject to the provisions of this section, if an Elected Member of the Legislative Council is sentenced by a court in any part of the Commonwealth to death or imprisonment (by whatever name called) for a term exceeding twelve months he shall forthwith cease to perform his functions as a member of the Council, and his seat in the Council shall become vacant at the expiration of a period of thirty days thereafter:

Provided that the Speaker may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the Council signified by resolution.

(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted his seat in the Legislative Council shall not become vacant under the provisions of this section, and he may again perform his functions as a member of the Council.

(3) For the purpose of this section two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

Temporary
members of
Legislative
Council.

32.—(1) Whenever an ex-officio member of the Legislative Council is unable, because he is ill, or absent from Gibraltar, or for any other reason, to perform his functions as a member of the Council, the Governor may, by instrument under the Public Seal, appoint to be temporarily a member of the Council a person who is a public officer.

(2) A person appointed under this section to be temporarily a member of the Legislative Council—

(a) shall hold his seat in the Council during Her Majesty's pleasure;

(b) shall vacate his seat when he is informed by the Governor that the member in whose place he was appointed is again able to perform his functions as a member of the Council or when the office of the member in whose place he was appointed becomes vacant.

(3) Subject to the provisions of this section, the provisions of this Constitution shall apply in relation to a person appointed to be temporarily a member of the Legislative Council as they apply in relation to the ex-officio member, in whose place he was appointed.

Determina-
tion of
questions
as to
membership.

33. Any question whether—

(a) a person has been validly elected an Elected Member of the Legislative Council; or

(b) an Elected Member of the Legislative Council has vacated his seat therein or is required under section 31 of this Constitution to cease to perform his functions as a member,

shall be determined by the Supreme Court.

Law as to
elections.

34. Subject to the provisions of this Constitution, a law enacted under this Constitution may provide for the election of members of the

Legislative Council and in particular, and without prejudice to the generality of the foregoing power, may provide for—

- (a) the qualifications and disqualifications of voters ;
- (b) the registration of voters ;
- (c) the ascertainment of the qualifications of candidates for election and of voters ;
- (d) the establishment of electoral districts (by whatever name called) for the purpose of elections and the division of electoral districts for any purpose connected with elections ;
- (e) the holding of elections ;
- (f) the determination of any question whether any person has been validly elected a member of the Legislative Council or whether a member of the Legislative Council has vacated his seat therein ;
- (g) the definition and trial of offences connected with elections and the imposition of penalties therefor, including disqualification for membership of the Legislative Council, or for registration as a voter, or for voting at elections, of any person concerned in any such offence ; and
- (h) the disqualification for election as members of the Legislative Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

35. Any person who has been elected a member of the Legislative Council who sits or votes in the Legislative Council knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds or such other sum as may be prescribed by any law for the time being in force in Gibraltar for each day on which he so sits or votes in the Legislative Council, which shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

Unqualified person sitting or voting.

PART V

Legislation and Procedure in Legislative Council

36. Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Legislative Council, may make laws for the peace, order and good government of Gibraltar.

Power to make laws.

37. Subject to the provisions of this Constitution, the Governor and the Legislative Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Royal Instructions.

38. Subject to the provisions of this Constitution and of any Instructions under Her Majesty's Sign Manual and Signet, the Legislative Council may from time to time make, amend and revoke rules and orders for the regulation and orderly conduct of their proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent.

Rules and orders.

Oath of
allegiance.

39. No member of the Legislative Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purpose of this section) until he has made before the Council an oath of allegiance in the form set out in the schedule to this Constitution.

Privileges
of
Legislative
Council and
members.

40. A law enacted under this Constitution may determine and regulate the privileges, immunities and powers of the Legislative Council and its members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

Presiding in
Legislative
Council.

41.—(1) There shall preside at any sitting of the Legislative Council the Speaker, or in his absence the Acting Speaker, or in their absence a member of the Council elected by the Council for the sitting.

(2) References in this section to circumstances in which the Speaker is absent include references to circumstances in which the office of Speaker is vacant.

Council may
transact
business
notwith-
standing
vacancies.

42. The Legislative Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof including any vacancy not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in those proceedings.

Quorum.

43.—(1) A quorum of the Legislative Council shall consist of four persons besides the person presiding at the sitting.

(2) If at any sitting of the Legislative Council any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the rules and orders of the Council, the person presiding at the sitting ascertains that a quorum of the Council is still not present, the Council shall be adjourned.

Voting.

44.—(1) All questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the members present and voting.

(2) The Speaker, and the Acting Speaker if at the date of his appointment he was not a member of the Legislative Council, shall have neither an original nor a casting vote.

(3) Subject to the last foregoing subsection the Acting Speaker or any other member shall, when presiding, have an original vote but no casting vote.

(4) If upon any question before the Legislative Council the votes are equally divided, the motion shall be declared lost.

Governor's
reserved
power.

45.—(1) If the Governor considers that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Gibraltar as a territory within the Commonwealth, and all matters pertaining to defence, the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer), that any Bill introduced, or any motion proposed in the

Legislative Council should have effect, then, if the Council fail to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time he thinks fit, and notwithstanding any provisions of this Constitution or of any rules and orders of the Council, declare that the Bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the Council, including any committee thereof; and the Bill or motion shall have effect as if it had been so passed or carried, and the provisions of this Constitution, and in particular the provisions relating to assent to Bills and disallowance of laws shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any declaration under this section and the reasons therefor.

(3) If any member of the Legislative Council objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting and, if he furnishes a copy of that statement, and requests the Governor to do so, the Governor shall, as soon as practicable, forward the copy to a Secretary of State.

(4) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall cause notice of the revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and section 38(2) of the Interpretation Act 1889 shall apply to the revocation as it applies to the repeal of an Act of Parliament.

46.—(1) Subject to the provisions of this Constitution and to the rules and orders of the Legislative Council, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the Bill, motion or petition shall be debated and disposed of according to the rules and orders of the Council.

Introduction
of Bills, etc.

(2) Except on the recommendation of the Governor the Legislative Council shall not—

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Council makes provision for imposing or increasing any tax, rate or duty, for imposing or increasing any charge on the revenues or other funds of Gibraltar, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Gibraltar; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Council, would be to make provision for any of the purposes aforesaid.

47.—(1) A Bill shall not become a law until—

Assent to
Bills.

(a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of such assent, or

(b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified such assent by Proclamation published in the Gazette.

(2) When a Bill is presented to the Governor for his assent, he shall, subject to the provisions of this Constitution and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure any Bill—

(a) which appears to him to be in any way repugnant to or inconsistent with the provisions of this Constitution; or

(b) which determines or regulates the privileges, immunities or powers of the Legislative Council or of its members; unless he has been authorised by a Secretary of State to assent to it.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette without prejudice, however, to any provisions of that law or any other law postponing its operation or giving it retrospective effect.

(4) A law assented to by Her Majesty through a Secretary of State shall come into operation on such date as the Governor may have signified such assent by Proclamation in the Gazette without prejudice, however, to any provisions of that law or any other law postponing its operation or giving it retrospective effect.

Disallowance
of laws.

48.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the Gazette and the law shall be annulled with effect from the date of the publication of the notice.

(3) Section 38(2) of the Interpretation Act 1889 shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

Sessions.

49. The sessions of the Legislative Council shall be held at such place and begin at such time as the Governor may from time to time by Proclamation published in the Gazette appoint; but a period of twelve months shall not elapse between the date when the Council last sat in one session and the date appointed for its first sitting in the next session.

Prorogation
and dis-
solution.

50.—(1) The Governor may at any time by Proclamation published in the Gazette, prorogue or dissolve the Legislative Council.

(2) The Governor shall dissolve the Legislative Council at the expiration of five years from the date when the Council first meets after any general election unless it has been sooner dissolved.

General
elections.

51. There shall be a general election at such time within three months after the appointed day, and thereafter within three months after every dissolution of the Legislative Council, as the Governor by Proclamation published in the Gazette shall appoint.

SCHEDULE TO THE CONSTITUTION**Sections 5, 18 and 39****FORMS OF OATHS AND AFFIRMATIONS****1. Oath of Allegiance**

I.....do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. Affirmation of Allegiance

I.....do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. Oath for due execution of office

I.....do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (here insert the description of the office). So help me God.

4. Affirmation for due execution of office

I.....do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (here insert the description of the office).

GIBRALTAR

The Gibraltar Royal Instructions 1964

Dated: 27th July 1964.

ELIZABETH R.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our City and Garrison of Gibraltar or other officer for the time being administering the Government of Our said City and Garrison of Gibraltar.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

Citation,
publication,
commence-
ment and
revocation.

1.—(1) These Instructions may be cited as the Gibraltar Royal Instructions 1964.

(2) These Instructions shall be published in the Gazette and shall take effect on the appointed day as defined for the purposes of the Gibraltar (Constitution) Order 1964(a) (in these Instructions referred to as “the Order in Council”) and thereupon the Instructions issued under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of Our City and Garrison of Gibraltar and dated the 28th day of February 1950, as amended by Additional Instructions dated the 22nd day of August 1955(b), the 23rd day of August 1956(c), the 7th day of August 1959(d) and the 27th day of February 1963(e) shall, without prejudice to anything lawfully done thereunder, cease to have effect on the taking effect of these Instructions.

Interpreta-
tion.

2. The provisions of section 1 of the Constitution of Gibraltar (hereinafter referred to as “the Constitution”) as set out in schedule 2 to the Order in Council shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting the Constitution.

Power to
require
making
of oaths.

3. The Governor may, whenever he thinks fit, require any person in the public service of Gibraltar to make an oath or affirmation of allegiance in the form set out in the schedule to the Constitution together with any other oaths or affirmations that may be prescribed by any law for the time being in force in Gibraltar.

Instructions
to be
observed
by deputy.

4.—(1) These Instructions, so far as they apply to any functions to be performed by a deputy to the Governor appointed under section 7 of the Constitution, shall be deemed to be addressed to, and shall be complied with by, the deputy.

(2) A deputy to the Governor may, if he thinks fit, apply to Us through a Secretary of State for instructions in any matter; but he shall forthwith transmit to the Governor a copy of every despatch or other communication by which he applies to Us for instructions.

Rules for
enactment
of laws.

5. In the making of laws the Governor and the Legislative Council shall observe, so far as is practicable, the following rules:—

- (a) all laws shall be styled “Ordinances” and the words of enactment shall be “Enacted by the Legislature of Gibraltar”;
- (b) all Ordinances shall be distinguished by titles and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin a short indication of its contents;

(a) S.I. 1964 II, p. 3143, day appointed 6.8.64.

(b) S.I. 1955 II, p. 3188.

(c) S.I. 1956 II, p. 3008. (d) S.I. 1959 II, p. 3474.

(e) S.I. 1963 I, p. 1420.

- (c) all Ordinances shall be numbered consecutively in a separate series for each year commencing with the number one, so that—
- (i) an Ordinance assented to by the Governor is included in the series for the year in which it is passed or deemed to have been passed by the Legislative Council and its position in such series is determined with reference to the day on which the Governor shall have given his assent thereto ;
 - (ii) an Ordinance assented to by Us through a Secretary of State is included in the series for the year in which the Governor shall have signified Our assent thereto by proclamation in the Gazette and its position in such series is determined with reference to the day on which Our assent shall have been so signified ;
- (d) matters having no proper relation to each other shall not be provided for by the same Ordinance ; no Ordinance shall contain anything foreign to what the title of the Ordinance imports ; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

6. The Governor shall not, without having previously obtained Our instructions through a Secretary of State, assent to any Bill within any of the following classes, unless the Bill contains a clause suspending its operation until the signification of Our pleasure, that is to say:—

Certain Bills not to be assented to without instructions.

- (a) any Bill for the divorce of married persons ;
- (b) any Bill whereby any grant of land or money or other donation or gratuity may be made to himself ;
- (c) any Bill affecting the currency of Gibraltar or relating to the issue of bank notes ;
- (d) any Bill establishing any banking association or altering the constitution, powers or privileges of any banking association ;
- (e) any Bill imposing differential duties ;
- (f) any Bill the provisions of which appear to the Governor to be inconsistent with obligations imposed upon Us by any treaty, convention, agreement or arrangement relating to any country or international or similar organisation outside Gibraltar ;
- (g) any Bill affecting the discipline or control of Our naval, military or air forces ;
- (h) any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in Gibraltar, or the trade, transport or communications of any part of Our dominions or any territory under Our protection or in which We have for the time being jurisdiction may be prejudiced ;
- (i) any Bill whereby persons of any racial or religious community may be made liable to any disabilities or restrictions to which persons of other such communities are not also made liable, or may be granted advantages which are not enjoyed by persons of other such communities ; and
- (j) any Bill containing provisions to which Our assent has once been refused or which have been disallowed by Us :

Provided that, if the Governor is satisfied that it is urgently necessary in the public interest that any Bill falling within the classes described

in this clause (other than a Bill falling within sub-paragraph (f) of this clause) be brought into immediate operation, he may assent to the Bill without such instructions as aforesaid and although the Bill contains no such clause as aforesaid, but he shall forthwith transmit the Bill to Us together with his reasons for so assenting.

Private Bills. 7.—(1) Every Bill (not being a Government measure) intended to affect or benefit a particular person, association or corporate body shall contain a clause saving the rights of Us, all bodies politic and corporate and all others except such as are mentioned in the Bill and those claiming by, from or under them.

(2) No such Bill shall be introduced into the Legislative Council until due notice has been given by not less than two successive publications of the Bill in the Gazette; and the Governor shall not assent to the Bill unless it has been so published.

(3) A certificate under the hand of the Governor signifying that such publication has been made shall be transmitted to Us with the Bill or Ordinance.

Ordinances and Bills to be sent through a Secretary of State.

8. When any Ordinance has been enacted or any Bill has been reserved for the signification of Our pleasure, the Governor shall forthwith transmit to Us through a Secretary of State for the signification of Our pleasure a transcript in duplicate of the Ordinance or Bill, duly authenticated under the Public Seal, and by his own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance or passing of the Bill.

Collection of Ordinances to be published every year.

9. As soon as may be after the commencement of each year, the Governor shall cause to be published for general information a complete collection of all Ordinances enacted during the preceding year.

Power of pardon in capital cases.

10.—(1) Whenever any offender has been condemned by any court in Gibraltar to suffer death and the Governor has powers in relation to the offender under section 10 of the Constitution, the Governor shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Governor may require, to be taken into consideration at a meeting of the Gibraltar Council.

(2) The Governor shall not exercise his powers under section 10 of the Constitution in relation to any such offender unless it appears to him to be expedient to do so upon receiving the advice of the Gibraltar Council thereon; but he is to decide either to extend or to withhold a pardon or respite according to his own deliberate judgment, whether the members of the Council concur therein or not; causing nevertheless to be entered in the minutes of the Council his reasons, in case he should decide any such question in opposition to the judgment of the majority of the members of the Council.

Governor's absence.

11. Except in circumstances in which he is not regarded as absent from Gibraltar for the purpose of section 6(4) of the Constitution, the Governor shall not quit Gibraltar without having first obtained leave from Us for so doing through a Secretary of State.

Given at Our Court at St. James's this 27th day of July 1964 in the thirteenth year of Our Reign.

MALTA

The Malta (Constitution) (Amendment) (No. 3) Order in Council 1964

At the Court at Buckingham Palace the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Malta (Constitution) (Amendment) (No. 3) Order in Council 1964 and shall be construed as one with the Malta (Constitution) Order in Council 1961(a) (hereinafter called "the principal Order").

Citation and construction.

2. Notwithstanding the provisions of subsection (1) of section 104 of the principal Order, a statement of the estimated receipts and expenditure of Malta for the financial year ending on 31st March 1965 may be laid before the Assembly at any time before 31st August 1964.

Modification of s. 104 of Order of 1961.

3. Notwithstanding the provisions of section 107 of the principal Order or any other law, the Minister responsible for finance may, in respect of the financial year ending on 31st March 1965, authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure to any amount necessary for carrying on the government of Malta until the end of October 1964 or the coming into operation of the Appropriation Act in respect of that financial year, whichever is the earlier.

Modification of s. 107 of Order of 1961.

4. The Malta (Constitution) (Amendment) (No. 2) Order in Council 1964(b) is revoked.

Revocation of Order of 1964.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the provisions of the Malta (Constitution) Order in Council 1961 so as to extend the date for the presentation of annual estimates for the financial year ending on 31st March 1965.

(a) S.I. 1961 III, p. 4581.

(b) S.I. 1964 II, p. 3125.

MODIFICATIONS TO LEGISLATION (PART II)

Year and Number (or date)	Act or instrument	How affected	Page
1851	Petty Sessions (Ireland) Act 1851 (c. 93)	s. 27 <i>am.</i> , 1964/1200	2783
1858	Confirmation of Executors (S.) Act 1858 (c. 56)	ss. 2, 3, 5, 8, 11 <i>am.</i> , sch. A <i>rev.</i> , 1964/1143	2563
1876 1 Nov.	Regs. as to the Registration of Trade Unions (Rev. XXIII, p. 107)	<i>am.</i> , 1964/879 ...	1868
1883 24 Oct.	Rules of the Supreme Ct. 1883 (Rev. 1903, XII, Supreme Ct., E., p. 54)	<i>am.</i> , 1964/1213 ...	2804
1903 <i>Prerog. Instr.</i> 10 Aug.	Seychelles Judicature O. in C. 1903 (Rev. XX, p. 704)	<i>rev. (prosp.)</i> , O. in C. 12.5.64	3120
1908 879	O. of Privy Council, approving table of ecclesiastical fees and payments (Rev. VI, p. 187)	<i>rev.</i> , 1964/1033 ...	2269
1913 323	South Africa Fugitive Offenders O. in C. 1913 (Rev. IX, p. 529)	<i>rev.</i> , 1964/1198 ...	2779
638	A.S. to consolidate and amend the A.S. (Rev. XX, p. 776)	<i>am.</i> , 1964/1143 ...	2563
1270	Foreign Marriages O. in C. 1913 (Rev. XIII, p. 211)	<i>rev.</i> , 1964/926 ...	2070
1915 <i>Prerog. Instr.</i> 29 Apr.	Seychelles Judicature O. in C. 1915 (Rev. XX, p. 704)	<i>rev. (prosp.)</i> , O. in C. 12.5.64	3120
1923 1323	Public Health (Dried Milk) Regs. 1923 (Rev. VIII, p. 42)	<i>rev.</i> (11.3.65), 1964/857	1816
1924 596	West African (Fugitive Offenders) O. in C. 1923 (Rev. IX, p. 532)	<i>rev.</i> , 1964/1198 ...	2779
1925 92	Foreign Marriages O. in C. 1925 (Rev. XIII, p. 211)	<i>rev.</i> , 1964/926 ...	2070
1093	Land Registration Rules 1925 (Rev. XII, p. 81)	<i>am.</i> , 1964/1145 ...	2569

Year and Number (or date)	Act or instrument	How affected	Page
1926 415	Teachers Superannuation Rules 1926 (Rev. VI, p. 421)	am., 1964/934 ...	2089
1927 1093	Public Health (Dried Milk) Amdt. Regs. 1927 (Rev. VIII, p. 42)	rev. (11.3.65), 1964/857	1816
1928 17	Teachers' Superannuation (Accounts) Regs. 1928 (Rev. VI, p. 486)	rev., 1964/884 ...	1888
570	Merchandise Marks (Imported Goods) No. 2 O. 1928 (Rev. XIII, p. 450)	am., 1964/912 ...	1944
1047	Merchandise Marks (Imported Goods) No. 4 O. 1928 (Rev. XIII, p. 460)	am., 1964/691 ...	1329
1931 1	Public Health (Dried Milk) Regs. (S). 1931 (Rev. VIII, p. 47)	rev. (11.3.65), 1964/871	1828
127	Merchandise Marks (Imported Goods) No. 2 O. 1928 Amdt. O. 1931 (Rev. XIII, p. 450)	rev., 1964/912 ...	1944
1933 48	Local Govt. Act 1933 (c. 51)	sch. 3 Pt. II am. (temp.), 1964/679	1281
491	A.S. anent certain Forms of Procedure in Sheriffs Ordinary and Small Debts Cts. etc. (Rev. XX, p. 829)	am., 1964/1143 ...	2563
491	Merchandise Marks (Imported Goods) No. 10 O. 1933 (Rev. XIII, p. 567)	rev. (1.2.65), 1964/914	1949
975	Foreign Marriages (Amdt.) O. in C. 1933 (Rev. XIII, p. 211)	rev., 1964/926 ...	2070
<i>Prerog. Instrt.</i> 7 Feb.	Seychelles Judicature O. in C. 1933 (Rev. XX, p. 704)	rev. (prosp.), O. in C. 12.5.64	3120
1935 184	Rules providing for the Payment of Fees in respect of the Disinfection of Infected Goods (Anthrax) (Rev. II, p. 748)	rev., 1964/1230 ...	2863
1937 246	Aden Protectorate O. 1937 (Rev. VIII, p. 148)	am., 1964/920 ...	2048
1938 165	Tuberculosis O. of 1938 (Rev. II, p. 658)	rev. (S.), 1964/1109, 1152	2463, 2643
768	Patents &c. (Convention Countries) (No. 2) O. 1938 (Rev. XVII, p. 45)	rev. (E. and W.), 1964/1150, 1151 residue rev., 1964/1196	2630, 2634 2776

Year and Number (or date)	Act or instrument	How affected	Page
1939 771	Faculty Jurisdiction Rules 1939 (Rev. VI, p. 298)	rev., 1964/1032 ...	2261
1089	Pre-entry of Goods O. 1939 (Rev. V, p. 530)	rev., 1964/1269 ...	2922
9 Mar.	Emergency Powers O. in C. 1939 (1952 I, at p. 621)	rev. (Nyasaland), 1964/916 am., 1964/1199 ...	1955 2781
<i>Prerog. Instr.</i> 9 Mar.	Seychelles Judicature (Amdt.) O. in C. 1939 (Rev. XX, p. 704)	rev. (<i>prosp.</i>), O. in C. 12.5.64	3120
1940 2100	Trade Union Regs. 1940 (Rev. XXIII, p. 123)	rev., 1964/879 ...	1868
1943 481	Police (Appeals) (S.) Rules 1943 (Rev. XVIII, p. 247)	rev., 1964/1216 ...	2836
896	Public Health (Dried and Condensed Milk) Regs. 1943 (Rev. VIII, p. 42)	rev. (11.3.65), 1964/857	1816
1061	Public Health (Condensed and Dried Milk) Amdt. Regs. (S.) 1943 (Rev. VIII, p. 35)	rev. (11.3.65), 1964/871 .	1828
1944 42	Food Standards (General Provisions) O. 1944 (1944 II, p. 505)	excl., 1964/760, 767	1605, 1634 2836
1019	Police (Appeals) (S.) Rules 1944 (Rev. XVIII, p. 247)	rev., 1964/1216 ...	2241
1130	Foreign Marriages (Egypt, Iran and Iraq) O. in C. 1944 (Rev. XIII, p. 230)	rev., 1964/1000 ...	1888
1244	Teachers' Superannuation Accounts Regs. 1944 (Rev. VI, p. 486)	rev., 1964/884 ...	2974
1945 666	Regulations for Scholarships and Other Benefits 1945 (Rev. VI, p. 378)	am., 1964/1294 ...	2463, 2643 2630, 2634 2911
1946 122	Tuberculosis (Amdt.) O. 1946 (Rev. II, p. 658)	rev. (S.), 1964/1109, 1152 rev. (E. and W.), 1964/1150, 1151 rev., 1964/1260 ...	2546 1385
693	Remand Home (S.) Rules 1946 (Rev. XI, p. 667)	sch. 1 am., 1964/1138 rev., 1964/709 ...	1908
1947 1355	Exchange Control Act 1947 (c. 14) ... Direction of Treas. under Defence (Finance) Regs. 1939, reg. 2A, applying to Egypt (1947 II, p. 392)	rev., 1964/903 ...	1908
1829	Agricultural Lime Scheme 1947 (Rev. I, p. 127)		

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1947 2875	Foreign Marriage O. in C. 1947 (Rev. XIII, p. 220)	rev., 1964/926, 1000	2070, 2241
1948	Representation of the People Act 1948 (c. 65)	sch. 6 para. 2 am. (temp.), 1964/679	1281
423	Warble Fly (Dressing of Cattle) O. 1948 (Rev. II, p. 667)	rev., 1964/1090 ...	2411
604	Firemen's Pension Scheme O. 1948 (Rev. VII, p. 776)	am., 1964/1148 ...	2574
629	Cotton Industry Development Council O. 1948 (Rev. V, p. 87)	am., 1964/662 ...	1236
1041	National Insurance (Claims and Payments) Regs. 1948 (Rev. XVI, p. 313)	am., 1964/1110 ...	2472
1123	Public Health (Dried Milk) (Amdt.) Regs. 1948 (Rev. VIII, p. 42)	rev. (11.3.65), 1964/857	1816
1277	National Insurance (Unemployment and Sickness Benefit) Regs. 1948 (Rev. XVI, p. 212)	am., 1964/1112 ...	2477
1380	Town and Country Planning (General) Regs. 1948 (Rev. XXII, p. 733)	rev., 1964/1382 ...	3101
1415	National Health Service (Qualifications of Health Visitors and Tuberculosis Visitors) Regs. 1948 (Rev. XV, p. 767)	rev., 1964/1099 ...	2434
1691	A.S. (Rules of Ct. consolidation and amdt.) 1948 (1948 I, p. 3778)	am., 1964/1141 ...	2552
1766	Town and Country Planning (Building Preservation O.) Regs. 1948 (Rev. XXII, p. 746)	rev., 1964/1382 ...	3101
2721	British Nationality Regs. 1948 (Rev. III, p. 209)	am., 1964/682 ...	1285
2774	Furniture Industry Development Council O. 1948 (Rev. X, p. 765)	am., 1964/1085 ...	2400
1949 140	Special Roads Act 1949 (c. 32) ... British Protectorates, Protected States and Protected Persons O. in C. 1949 (1949 I, p. 522)	sch. 2 am., 1964/1084 am., Malawi Independence Act 1964 (c. 46), Zambia Independence Act 1964 (c. 65)	2398
468	Teachers Superannuation (National Service) Rules 1949 (1949 I, p. 1533)	am., 1964/935 ...	2091
614	Mineral Oil in Food O. 1949 (1949 II, p. 14)	rev. (S.) (11.2.65), 1964/1253 rev. (E. and W.) (15.2.65), 1964/1289	2895 2963
1235	Foreign Marriage (Amdt.) O. in C. 1949 (1949 I, p. 2502)	rev., 1964/926 ...	2070
2058	County Ct. Districts O. 1949 (1949 I, p. 955)	am., 1964/1104, 1215	2436, 2835
2368	Designs Rules 1949 (1949 I, p. 1417) ...	am., 1964/1336 ...	3045

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1950 534	Town and Country Planning (Tree Preservation O.) Regs. 1950 (1950 II, p. 1094)	rev., 1964/1382 ...	3101
1183	Nyasaland Protectorate (African Trust Land) O. in C. 1950 (1950 II, p. 156)	am., 1964/918 ...	2042
1239	Mineral Oil in Food (Amdt.) O. 1950 (1950 III, p. 41)	rev. (S.) (11.2.65), 1964/1253 rev. (E. and W.) (15.2.65), 1964/1289	2895 2963
1908	Justices of the Peace (Size and Chairmanship of Bench) Rules 1950 (1950 I, p. 1151)	rev., 1964/1107 ...	2437
2005	Tuberculosis (Compensation) O. 1950 (1950 I, p. 186)	rev. (E. and W.), 1964/1150	2630
2006	Tuberculosis (Area Eradication) O. 1950 (1950 I, p. 173)	rev. (S.), 1964/1152 rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	2643 2463 2634
2007	Tuberculosis (Slaughter of Reactors) O. 1950 (1950 I, p. 188)	rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	2463 2634
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28 Feb.	Gibraltar L.P. 1950 (1950 II, p. 1538)...	rev., O. in C. 27.7.64	3143
1951 513	Agriculture Lime (Amdt.) Scheme 1951 (1951 I, p. 9)	rev., 1964/903 ...	1908
1982	Justices of the Peace (Size and Chairmanship of Bench) (Amdt.) Rules 1951 (1951 I, p. 1173)	rev., 1964/1107 ...	2437
2069	Town and Country Planning (Development by Local Planning Authorities) Regs. 1951 (1951 II, p. 812)	rev., 1964/1382 ...	3101
1952 159	Foreign Marriage (Amdt.) O. in C. 1952 (1952 II, p. 1689)	rev., 1964/926 ...	2070
719	Pre-entry of Goods O. 1939 Amdt. O. 1952 (1952 I, p. 774)	rev., 1964/1269 ...	2922
944	Firemen's Pension Scheme O. 1952 (1952 I, p. 1003)	am., 1964/1148 ...	2574
1031	Bechuanaland Protectorate (Bamangwato Succession) O. in C. 1952 (1952 I, p. 403)	am., 1964/1188 ...	2762
1346	Foreign Marriage (Amdt. No. 2) O. 1952 (1952 II, p. 1690)	rev., 1964/926 ...	2070
1386	Police (Appeals) (S.) Rules 1952 (1952 II, p. 2581)	rev., 1964/1216 ...	2836
1704	Police Regs. 1952 (1952 II, p. 2480) ...	am., 1964/831 ...	1794
2190	Magistrates' Cts. Rules 1952 (1952 II, p. 1593)	am., 1964/889 ...	1905

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269	Civil Defence Vehicles (Relief from Duty) Regs. 1953 (1953 II, p. 1880)	rev., 1964/1178 ...	2722
435	Justices' Allowances Regs. 1953 (1953 I, p. 918)	rev., 1964/853 ...	1810
476	Probation (Allowances) Rules 1953 (1953 II, p. 1675)	rev., 1964/904 ...	1922
499	Dangerous Drugs Regs. 1953 (1953 I, p. 540)	rev., 1964/1043 ...	2209
572	Justices' Allowances (S.) Regs. 1953 (1953 I, p. 922)	rev., 1964/872 ...	1835
597	Agricultural Lime (Amdt.) Scheme 1953 (1953 I, p. 16)	rev., 1964/903 ...	1908
1311	Artificial Sweeteners in Food O. 1953 (1953 I, p. 662)	excl., 1964/760, 767	1605, 1634
1708	Ecclesiastical Officers Remuneration O. No. 1 1953 (1953 I, p. 593)	am., 1964/1033 ...	2269
1709	Ecclesiastical Officers Remuneration O. No. 2 1953 (1953 I, p. 598)	am., 1964/1033 ...	2269
1828	Food Standards (Soft Drinks) O. 1953 (1953 I, p. 696)	rev. (2.6.65) (E. and W.), 1964/760 rev. (2.6.65) (S.), 1964/767	1605 1634
1849	Iron and Steel (Compensation to Officers and Servants) (No. 2) Regs. 1953 (1953 I, p. 895)	am., 1964/654 ...	1223
1954			
55	National Health Service (Medical Auxiliaries) Regs. 1954 (1954 I, p. 1365)	rev., 1964/941 ...	2102
77	National Health Service (Medical Auxiliaries) (S.) Regs. 1954 (1954 I, p. 1375)	rev., 1964/997 ...	2237
461	National Health Service (Executive Councils) (S.) Regs. 1954 (1954 I, p. 1370)	am., 1964/803 ...	1704
742	National Health Service (General Dental Services) Regs. 1954 (1954 I, p. 1279)	rev., 1964/755 ...	1519
762	Tuberculosis (Area Eradication) Amdt. O. 1954 (1954 I, p. 148)	rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	2463 2634
853	Importation of Carcases and Animal Products O. 1954 (1954 I, p. 136)	am., 1964/1089 ...	2409
1044	Mineral Oil in Food (Amdt.) O. 1954 (1954 I, p. 802)	rev. (S.) (11.2.65), 1964/1253 rev. (E. and W.) (15.2.65), 1964/1289	2895 2963
1089	Food Standards (Soft Drinks) (Amdt.) O. 1954 (1954 I, p. 808)	rev. (2.6.65) (E. and W.), 1964/760 rev. (2.6.65) (S.), 1964/767	1605 1634
1205	Probation (Allowances) Rules 1954 (1954 II, p. 1837)	rev., 1964/904 ...	1922

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1954 1206	Justices' Allowances Regs. 1954 (1954 I, p. 1024)	rev., 1964/853 ...	1810
1369	Basutoland, Bechuanaland Protectorate and Swaziland Ct. of Appeal O. in C. 1954 (1954 I, p. 167)	am., 1964/1187 ...	2759
1955 81	Importation of Plants O. 1955 (1955 II, p. 1841)	am., 1964/686 ...	1303
405	Importation of Plants (S.) O. 1955 (1955 II, p. 1850)	am., 1964/948 ...	2125
473	Agricultural Lime (Amdt.) Scheme 1955 (1955 I, p. 63)	rev., 1964/903 ...	1908
604	National Health Service (General Dental Services) Amdt. Regs. 1955 (1955 I, p. 1263)	rev., 1964/755 ...	1519
962	Cereals (Deficiency Payments) O. 1955 (1955 I, p. 80)	rev., 1964/840 ...	1796
1449	Tuberculosis (Area Eradication) Amdt. O. 1955 (1955 I, p. 214)	rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	2463 2634
1664	Road Vehicles (Registration and Licensing) Regs. 1955 (1955 II, p. 2353)	rev., 1964/1178 ...	2722
1890	National Health Service (General Dental Services) Amdt. (No. 2) Regs. 1955 (1955 I, p. 1264)	rev., 1964/755 ...	1519
1901	Mineral Oil in Food (Amdt.) Regs. 1955 (1955 I, p. 917)	rev. (15.2.65), 1964/1289	2963
1942	National Health Service (General Medical and Pharmaceutical Services) (S.) Regs. 1955 (1955 I, p. 1418)	am., 1964/742 ...	1492
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22 Aug.	Gibraltar Addnl. Instructions 1955 (1955 II, p. 3188)	rev., R. Instructions 27.7.64	3162
1956 162	Rules of Procedure (Army) 1956 (1956 I, p. 213)	am., 1964/1006 ...	2256
163	Rules of Procedure (Air Force) 1956 (1956 II, p. 2020)	am., 1964/1282 ...	2955
413	Foreign Marriage (Amdt.) O. 1956 (1956 I, p. 1184)	rev., 1964/926 ...	2070
1022	Firemen's Pension Scheme O. 1956 (1956 I, p. 953)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148 am. (so far as still in force), 1964/1148	2574 2574

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1956 1239	Increase of Pensions (Modification) (No. 3) Regs. 1956 (1956 II, p. 1736)	am., 1964/1149 ...	2628
1294	Mineral Oil in Food (Amdt.) (S.) Regs. 1956 (1956 I, p. 1006)	rev. (11.2.65), 1964/1253	2895
1532	Police (Promotion) Regs. 1956 (1956 II, p. 1801)	am., 1964/830 ...	1793
1743	National Health Service (General Dental Services) Amdt. Regs. 1956 (1956 I, p. 1514)	rev., 1964/755 ...	1519
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2014	Firemen's Pension Scheme (No. 2) O. (1956 I, p. 994)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
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3 Aug.	Gibraltar (Legislative Council) (Amdt. No. 2) O. in C. 1956 (1956 II, p. 3005)	rev., O. in C. 27.7.64	3143
23 Aug.	Gibraltar Addnl. Instructions 1956 (1956 II, p. 3008)	rev., R. Instructions 27.7.64	3162
1957			
170	Exported Cattle Protection O. 1957 (1957 I, p. 152)	rev., 1964/704 ...	1352
211	County of London Justices (Jurisdiction) O. 1957 (1957 I, p. 1343)	am., 1964/678 ...	1279
229	National Health Service (General Dental Services) Amdt. Regs. 1957 (1957 I, p. 1458)	rev., 1964/755 ...	1519
488	National Health Service (Designation of London Teaching Hospitals) O. 1957 (1957 I, p. 1452)	am., 1964/986 ...	2226
619	Matrimonial Causes Rules 1957 (1957 II, p. 2406)	am., 1964/1125, 1212	2511, 2802
701	Road Vehicles (Registration and Licensing) (Amdt.) Regs. 1957 (1957 II, p. 2141)	rev., 1964/1178 ...	2722
704	Dangerous Drugs Regs. 1957 (1957 I, p. 609)	rev., 1964/1043 ...	2290
729	National Health Service (General Dental Services) Amdt. No. 2 Regs. 1957 (1957 I, p. 1471)	rev., 1964/755 ...	1519
860	Foreign Marriage O. 1957 (1957 I, p. 1353)	rev., 1964/1000 ...	2241
981	Rent Restrictions Regs. 1957 (1957 I, p. 1251)	am., 1964/1119 ...	2510
1044	Rent Restrictions (S.) Regs. 1957 (1957 I, p. 1275)	am., 1964/1207 ...	2799

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1254	Exported Cattle Protection (Amdt.) O. 1957 (1957 I, p. 156)	rev., 1964/704 ...	1352
1523	Copyright (International Conventions) O. 1957 (1957 I, p. 474)	rev., 1964/690 ...	1319
1763	National Health Service (General Dental Services) Amdt. No. 3 Regs. 1957 (1957 I, p. 1472)	rev., 1964/755 ...	1519
1958			
73	Patents Rules 1958 (1958 II, p. 1713) ...	am., 1964/1337 ...	3049
135	Copyright (International Conventions) (Argentina) O. 1958 (1958 I, p. 361)	rev., 1964/690 ...	1319
370	Firemen's Pension Scheme O. 1958 (1958 I, p. 1153)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
953	Fire Services (Appointments and Promotion) (S.) Regs. 1958 (1958 I, p. 1137)	am., 1964/681 ...	1284
1069	Road Vehicles (Registration and Licensing) (Amdt.) Regs. 1958 (1958 II, p. 2116)	rev., 1964/1178 ...	2722
1254	Copyright (International Conventions) (Amdt.) O. 1958 (1958 I, p. 358)	rev., 1964/690 ...	1319
1478	Teachers' Superannuation (Accounts) Regs. 1958 (1958 I, p. 1016)	rev., 1964/884 ...	1888
1479	Teachers' Superannuation (Accounts) (Non-grant-aided Schools) Regs. 1958 (1958 I, p. 1018)	rev., 1964/885 ...	1892
2184	Copyright (International Conventions) (Amdt. No. 2) O. 1958 (1958 I, p. 360)	rev., 1964/690 ...	1319
2169	National Health Service (General Dental Services) Amdt. Regs. 1958 (1958 II, p. 1544)	rev., 1964/755 ...	1519
1959			
81	Agricultural Land Tribunals and Notices to Quit O. 1959 (1959 I, p. 91)	am., 1964/706 ...	1358
297	Foreign Marriages (Egypt, Iran and Iraq) Amdt. O. 1959 (1959 I, p. 1675)	rev., 1964/1000 ...	2241
364	Schools Regs. 1959 (1959 I, p. 1584) ...	am., 1964/1311 ...	2984
366	Special Schools and Establishments (Grant) Regs. 1959 (1959 I, p. 1051)	am., 1964/1083 ...	2397
393	Further Education (Local Education Authorities) Regs. 1959 (1959 I, p. 1577)	am., 1964/1309 ...	2982
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396	Training of Teachers (Grant) Regs. 1959 (1959 I, p. 1054)	am., 1964/1353 ...	3074
538	Foreign Marriage (Amdt.) O. 1959 (1959 I, p. 1673)	rev., 1964/1000 ...	2241
802	Firemen's Pension Scheme O. 1959 (1959 I, p. 1282)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
861	Copyright (Isle of Man) O. 1959 (1959 I, p. 748)	am., 1964/690 ...	1319
1010	Building Societies (Designation for Trustee Investment) Regs. 1959 (1959 I, p. 322)	rev., 1964/1354 ...	3075
1287	Town and Country Planning (Prescribed Forms of Notices) Regs. 1959 (1959 II, p. 2645)	rev., 1964/1382 ...	3101
1460	Tuberculosis (Compensation) Amdt. O. 1959 (1959 I, p. 242)	rev. (E. and W.), 1964/1150	2630
1461	Tuberculosis (Slaughter of Reactors) Amdt. O. 1959 (1959 I, p. 243)	rev. (S.), 1964/1152 rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	2643 2463 2634
1495	Firemen's Pension Scheme (No. 2) O. 1959 (1959 I, p. 1289)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
1610	Town and Country Planning (Grants) Regs. 1959 (1959 II, p. 2639)	rev., 1964/875 ...	1861
1774	Foreign Marriage (Amdt.) O. 1959 (1959 I, p. 1674)	rev., 1964/926 ...	2070
1831	Increase of Pensions (Modification) (No. 2) Regs. 1959 (1959 II, p. 2064)	am., 1964/1149 ...	2628
1832	Direct Grant Schools Regs. 1959 (1959 I, p. 1034)	am., 1964/1312 ...	2985
1915	Town and Country Planning (Delegation) Regs. 1959 (1959 II, p. 2627)	rev., 1964/1382 ...	3101
1958	Supreme Ct. Costs Rules 1959 (1959 II, p. 2535)	am., 1964/1213 ...	2804
1968	Foreign Compensation (Union of Soviet Socialist Republics) (Registration) O. 1959 (1959 I, p. 1407)	am., 1964/1197 ...	2778
2148	Merchant Shipping (Certificates of Competency as A.B.) Regs. 1959 (1959 I, p. 1687)	am., 1964/952 ...	2151
2238	Load Line Rules 1959 (1959 I, p. 1699)	am., 1964/753 ...	1502
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14 Sept.	Basutoland (Constitution) O. in C. 1959 (1959 II, p. 3308)	am., O. in C. 12.5.64, 27.7.64	3118, 3127
1960			
87	Films Act 1960 (c. 57) Tuberculosis (Area Eradication) Amdt. O. 1960 (1960 I, p. 307)	s. 50 am., 1964/695 rev. (S.), 1964/1109 rev. (E. and W.), 1964/1151	1338 2463 2634
144	Justices' Allowances Regs. 1960 (1960 II, p. 1735)	rev., 1964/853 ...	1810
169	Probation (Allowances) Rules 1960 (1960 II, p. 2776)	rev., 1964/904 ...	1922
200	Copyright (International Conventions) (Amdt.) O. 1960 (1960 I, p. 772)	rev., 1964/690 ...	1319
219	Justices Allowances (S.) Amdt. Regs. 1960 (1960 II, p. 1737)	rev., 1964/872 ...	1835
546	Agricultural Lime (Amdt.) Scheme 1960 (1960 I, p. 107)	rev., 1964/903 ...	1908
735	Horticulture Improvement Scheme 1960 (1960 I, p. 284)	rev., 1964/962 ...	2161
762	Hire-Purchase and Credit Sale Agreements (Control) O. 1960 (1960 I, p. 1350)	rev., 1964/942 ...	2104
763	Control of Hiring O. 1960 (1960 I, p. 1315)	rev., 1964/943	2117
847	Copyright (Gibraltar) O. 1960 (1960 I, p. 767)	am., 1964/690 ...	1319
849	Foreign Compensation (Czechoslovakia) (Registration) O. 1960 (1960 II, p. 1560)	am., 1964/698 ...	1342
967	British Seamen's Cards O. 1960 (1960 II, p. 1987)	am., 1964/1059 ...	2350
1046	National Health Service (General Dental Services) Amdt. Regs. 1960 (1960 II, p. 2075)	rev., 1964/755 ...	1519
1070	Rules of the Air and Air Traffic Control Regs. 1960 (1960 I, p. 711)	am., 1964/641 ...	1221
1475	Town and Country Planning (General) (Amdt.) Regs. 1960 (1960 III, p. 3284)	rev., 1964/1382 ...	3101
1539	Town and Country Planning (Building Preservation O.) (Amdt.) Regs. 1960 (1960 III, p. 3252)	rev., 1964/1382 ...	3101
1648	Road Vehicles (Registration and Licensing) (Amdt.) Regs. 1960 (1960 III, p. 3007)	rev., 1964/1178 ...	2722
1714	Tuberculosis (Compensation) Amdt. O. 1960 (1960 I, p. 310)	rev. (E. and W.), 1964/1150	2630
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1777	Milk and Dairies (Delegation to County Agricultural Executive Committees) Regs. 1960 (1960 I, p. 85)		

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2137	Civil Aviation (Licensing) Regs. 1960 (1960 I, p. 579)	rev., 1964/1116 ...	2484
2385	Firemen's Pension Scheme (No. 2) O. 1960 (1960 II, p. 1474)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
2392	Warble Fly (Dressing of Cattle) (E. and W.) (Amdt.) O. 1960 (1960 I, p. 314)	rev., 1964/1090 ...	2411
2408	Warble Fly (Dressing of Cattle) (S.) Amdt. O. 1960 (1960 I, p. 315)	rev., 1964/1090 ...	2411
2416	Bechuanaland Protectorate (Constitution) O. 1960 (1960 I, p. 327)	am., 1964/1189 ...	2764
1961	Trustee Investments Act 1961 (c. 62) ...	sch. 1 Pt. 1 am., 1964/703	1351
1	Wages Regulation (Dressmaking and Women's Light Clothing) (E. and W.) O. 1961 (1961 I, p. 1)	rev., 1964/801 ...	1689
54	Control of Hiring (Amdt.) O. 1961 (1961 I, p. 107)	rev., 1964/943 ...	2117
60	Copyright (Fiji) O. 1961 (1961 I, p. 116)	am., 1964/690 ...	1319
145	Civil Aviation (Licensing) (Amdt.) Regs. 1961 (1961 I, p. 262)	rev., 1964/1116 ...	2484
159	Wages Regulation (Dressmaking and Women's Light Clothing) (S.) O. 1961 (1961 I, p. 270)	rev., 1964/1042 ...	2281
182	National Health Service (Charges for Drugs and Appliances) Regs. 1961 (1961 I, p. 292)	rev., 1964/755 ...	1519
252	Wages Regulation (Retail Bespoke Tailoring) (E. and W.) O. 1961 (1961 I, p. 416)	rev., 1964/685 ...	1290
277	Dangerous Drugs Regs. 1961 (1961 I, p. 475)	rev., 1964/1043 ...	2290
403	Import Duties (General) (No. 3) O. 1961 (1961 I, p. 585)	am., 1964/658, 750, 909, 1335, 1341	1234, 1497, 1937, 3042, 3056
		am. (temp.), 1964/910, 1343	1939, 3061
526	Anthrax Disinfection Fee (Amdt.) Rules 1961 (1961 I, p. 1194)	rev., 1964/1230 ...	2863
548	A.S. (Alteration of Ct. of Session Fees) 1961 (1961 I, p. 1214)	rev., 1964/816 ...	1728

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672	Wages Regulation (Retail Bespoke Tailoring) (S.) O. 1961 (1961 I, p. 1419)	rev., 1964/815 ...	1719
861	Hydrocarbon Oils (Marking of Gas Oil) Regs. 1961 (1961 II, p. 1689)	rev., 1964/1349 ...	3065
907	National Health Service (General Dental Services) Regs. 1961 (1961 II, p. 1749)	rev., 1964/755 ...	1519
942	Wages Regulation (Retail Bread and Flour Confectionery) (E. and W.) O. 1961 (1961 II, p. 1819)	rev., 1964/1094 ...	2413
993	Copyright (Foreign Television Broadcasts) O. 1961 (1961 II, p. 1917)	rev., 1964/690 ...	1319
1072	Cereals (Deficiency Payments) (Amdt.) O. 1961 (1961 II, p. 2056)	rev., 1964/840 ...	1796
1116	Load Line (Amdt.) (No. 2) Rules 1961 (1961 II, p. 2090)	rev., 1964/753 ...	1502
1152	National Health Service (General Dental Services) (No. 2) Regs. 1961 (1961 II, p. 2119)	rev., 1947/755 ...	1519
1188	British Guiana (Constitution) O. in C. 1961 (1961 II, p. 2152)	am., 1964/776, 921	1654, 2050
1189	Nyasaland (Constitution) O. in C. 1961 (1961 II, p. 2218)	residue rev., 1964/916	1955
1194	Commonwealth Countries and Republic of Ireland (Immunities) O. 1961 (1961 II, p. 2331)	am., 1964/694 ...	1336
1364	Calf Subsidies (E. and W. and N.I.) Scheme 1961 (1961 II, p. 2575)	am., 1964/722 ...	1456
1372	Calf Subsidies (S.) Scheme 1961 (1961 II, p. 2593)	am., 1964/793 ...	1679
1496	Copyright (International Conventions) (Amdt.) O. 1961 (1961 II, p. 3040)	rev., 1964/690 ...	1319
1498	Merchandise Marks (Imported Goods) No. 4 O. 1928 Amdt. O. 1961 (1961 II, p. 3048)	rev., 1964/691 ...	1329
1637	Wages Regulation (Rope, Twine and Net) (Holidays) O. 1961 (1961 II, p. 3301)	am., 1964/667 ...	1254
1825	Films (Registration of Newsreels) Regs. 1961 (1961 III, p. 3442)	am., 1964/1281 ...	2951
2039	Television Act 1954 (Channel Islands) O. 1961 (1961 III, p. 3725)	rev., 1964/1202 ...	2786
2314	Southern Rhodesia (Constitution) O. in C. 1961 (1961 III, p. 4078)	am., 1964/923 ...	2067
2461	Copyright (International Conventions) (Amdt. No. 2) O. 1961 (1961 III, p. 4507)	rev., 1964/690 ...	1319
1962	Road Traffic Act 1962 (c. 59) ...	s. 21 ext., 1964/1234	2870
149	Governors' Pensions (Maximum Amounts) O. 1962 (1962 I, p. 160)	rev., 1964/1217 ...	2841

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166	Companies Registers (Federation of Malaya) O. 1962 (1962 I, p. 168)	rev., 1964/911 ...	1943
251	Wages Regulation (Rope, Twine and Net) O. 1962 (1962 I, p. 242)	rev., 1964/667 ...	1254
272	Construction (Notice of Accident, etc.) O. 1962 (1962 I, p. 260)	rev., 1964/888 ...	1900
397	Copyright (International Conventions) (Amdt.) O. 1962 (1962 I, p. 348)	rev., 1964/690 ...	1319
569	Merchant Shipping (Fees) Regs. 1962 (1962 I, p. 538)	rev., 1964/754 ...	1505
628	Copyright (International Conventions) (Amdt. No. 2) O. 1962 (1962 I, p. 631)	rev., 1964/690 ...	1319
729	Firemen's Pension Scheme (Amdt.) O. 1962 (1962 I, p. 744)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
826	Gambia (Constitution) O. in C. 1962 (1962 I, p. 876)	am., 1964/1190 ...	2766
1038	Wages Regulation (Dressmaking and Women's Light Clothing) (E. and W.) (Amdt.) O. 1962 (1962 II, p. 1201)	rev., 1964/801 ...	1689
1103	National Health Service (General Dental Services) Amdt. Regs. 1962 (1962 II, p. 1271)	rev., 1964/755 ...	1519
1221	National Health Service (General Dental Services) Amdt. (No. 2) Regs. 1962 (1962 II, p. 1328)	rev., 1964/755 ...	1519
1324	British Seamen's Cards (Amdt.) O. 1962 (1962 II, p. 1419)	rev., 1964/1059 ...	2350
1355	Wages Regulation (Paper Box) O. 1962 (1962 II, p. 1493)	rev., 1964/728 ...	1458
1610	Road Vehicles (Registration and Licensing) (Amdt.) Regs. 1962 (1962 II, p. 1861)	rev., 1964/1178 ...	2722
1611	Wages Regulation (Dressmaking and Women's Light Clothing) (S.) (Amdt.) O. 1962 (1962 II, p. 1872)	rev., 1964/1042 ...	2281
1613	Wages Regulation (Made-up Textiles) O. 1962 (1962 II, p. 1879)	rev., 1964/1326 ...	3027
1641	Copyright (International Conventions) (Amdt. No. 3) O. 1962 (1962 II, p. 1907)	rev., 1964/690 ...	1319
1642	Copyright (Bermuda) O. 1962 (1962 II, p. 1909)	am., 1964/690 ...	1319
1677	Wages Regulation (Button Manufacturing) O. 1962 (1962 II, p. 2033)	rev., 1964/1222 ...	2844
1685	Import Duty Drawbacks (Consolidation) O. 1962 (1962 II, p. 2040)	am., 1964/749, 908, 1182, 1342	1494, 1934, 2756, 3058

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1819	Merchant Shipping (Fees) (Amdt.) Regs. 1962 (1962 II, p. 2170)	rev., 1964/754 ...	1505
2033	National Health Service (Medical Auxiliaries) Regs. 1962 (1962 III, p. 2433)	rev., 1964/941 ...	2102
2044	Building Societies (Authorised Investments) O. 1962 (1962 III, p. 2461)	am., 1964/671 ...	1268
2062	Opencast Coal (Rate of Interest on Compensation) (No. 2) O. 1962 (1962 III, p. 2494)	rev., 1964/800 ...	1688
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2184	Copyright (Bahamas) O. 1962 (1962 III, p. 2964)	am., 1964/690 ...	1319
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2194	National Health Service (Medical Auxiliaries) (S.) Regs. 1962 (1962 III, p. 2987)	rev., 1964/997 ...	2237
2224	Wages Regulation (Retail Drapery, Outfitting and Footwear) O. 1962 (1962 III, p. 3048)	rev., 1964/756 ...	1569
2269	Wages Regulation (Retail Furnishing and Allied Trades) O. 1962 (1962 III, p. 3147)	rev., 1964/1214 ...	2814
2295	Wages Regulation (Hairdressing) O. 1962 (1962 III, p. 3179)	rev., 1964/1132 ...	2524
2311	Hire-Purchase and Credit Sale Agreements (Control) (Amdt. No. 3) O. 1962 (1962 III, p. 3201)	rev., 1964/942 ...	2104
2318	Wages Regulation (Retail Food) (E. and W.) O. 1962 (1962 III, p. 3205)	rev., 1964/1108 ...	2440
2336	Import Duty Drawbacks (No. 10) O. 1962 (1962 II, p. 3233)	am., 1964/908 ...	1934
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2478	Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (E. and W.) O. 1962 (1962 III, p. 3342)	rev., 1964/1313 ...	2986

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2504	Wages Regulation (Retail Bespoke Tailoring) (S.) (Amdt.) O. 1962 (1962 III, p. 3379)	rev., 1964/815 ...	1719
2517	Wages Regulation (Retail Newsagency, Tobacco and Confectionery) (S.) O. 1962 (1962 III, p. 3382)	rev., 1964/1314 ...	3005
2547	Wages Regulation (Stamped or Pressed Metal-Wares) O. 1962 (1962 III, p. 3418)	rev., 1964/757 ...	1591
2586	Import Duty Drawbacks (No. 11) O. 1962 (1962 III, p. 3480)	rev., 1964/1182 ...	2756
2629	Wages Regulation (Retail Bookselling and Stationery) O. 1962 (1962 III, p. 3542)	rev., 1964/1277 ...	2932
2650	Dangerous Drugs Regs. 1962 (1962 III, p. 3606)	rev., 1964/1043 ...	2290
2652	Wages Regulation (Retail Bread and Flour Confectionery) (S.) O. 1962 (1962 III, p. 3607)	rev., 1964/1046 ...	2317
2756	Police Pensions Regs. 1962 (1962 III, p. 3785)	am., 1964/1072, 1232	2371, 2867
2792	Wages Regulation (Retail Food) (S.) O. 1962 (1962 III, p. 4002)	rev., 1964/950 ...	2131
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1963 3	Purchase Tax Act 1963 (c. 9) ... Export of Goods (Control) O. 1963 (1963 I, p. 9)	sch. 1 am., 1964/1290 am., 1964/784, 974	2971 1668, 2219
133	A.S. (Alteration of Sheriff Ct. Fees) 1963 (1963 I, p. 128)	am., 1964/1227 ...	2855
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635	Wages Regulation (Perambulator and Invalid Carriage) O. 1963 (1963 I, p. 777)	am., 1964/886 ...	1894
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845	Agriculture (Poisonous Substances) Regs. 1963 (1963 I, p. 1241)	am., 1964/663 ...	1252
849	Soft Drinks (S.) Regs. 1963 (1963 I, p. 1257)	rev., 1964/767 ...	1634
882	Merchandise Marks (Imported Goods) O. 1963 (1963 II, p. 1433)	rev. (1.2.65), 1964/914	1949
883	Nyasaland (Constitution) O. in C. 1963 (1963 II, p. 1435)	rev., 1964/916 ...	1955
884	Nyasaland Protectorate (African Trust Land) (Amdt.) O. in C. 1963 (1963 II, p. 1487)	rev., 1964/918 ...	2042
909	Wages Regulation (Rope, Twine and Net) (Amdt.) O. 1963 (1963 II, p. 1536)	rev., 1964/667 ...	1254
978	Wages Regulation (Cotton Waste Reclamation) O. 1963 (1963 II, p. 1623)	rev., 1964/1127 ...	2515
992	National Health Service (General Dental Services) Amdt. Regs. 1963 (1963 II, p. 1631)	rev., 1964/755 ...	1519
1008	Sugar (Distribution Payments) O. 1963 (1963 II, p. 1666)	rev., 1964/751 ...	1499
1009	Sugar (Distribution Repayments) O. 1963 (1963 II, p. 1669)	rev., 1964/751 ...	1499
1010	Composite Sugar Products (Distribution Payments—Average Rates) O. 1963 (1963 II, p. 1672)	rev., 1964/751 ...	1499
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1023	Winter Keep (E. and W. and N.I.) Scheme 1963 (1963 II, p. 1718)	am., 1964/720 ...	1450
1024	Winter Keep (S.) Scheme 1963 (1963 II, p. 1722)	am., 1964/792 ...	1677
1037	Copyright (Falkland Islands) O. 1963 (1963 II, p. 1761)	am., 1964/690 ...	1319
1038	Copyright (St. Helena) O. 1963 (1963 II, p. 1767)	am., 1964/690 ...	1319
1039	Copyright (Seychelles) O. 1963 (1963 II, p. 1772)	am., 1964/690 ...	1319
1052	Wages Regulation (General Waste Materials Reclamation) O. 1963 (1963 II, p. 1813)	rev., 1964/1080 ...	2390
1116	Wages Regulation (Hollow-ware) O. 1963 (1963 II, p. 1902)	rev., 1964/880 ...	1879
1132	Education Authority Bursaries (S.) Regs. 1963 (1963 II, p. 1914)	am. (temp.), 1964/1261	2918
1139	Import Duty Drawbacks (No. 4) O. 1963 (1963 II, p. 1927)	rev., 1964/1182 ...	2756
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1176	Sugar (Distribution Repayments) (Amdt.) O. 1963 (1963 II, p. 2003)	rev., 1964/751 ...	1499
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1311	Increase of Pensions (Modification) (No. 4) Regs. 1963 (1963 II, p. 2269)	am., 1964/1149 ...	2628
1360	Wages Regulation (Retail Drapery, Outfitting and Footwear) (Amdt.) O. 1963 (1963 II, p. 2359)	rev., 1964/756 ...	1569
1374	Seed Potatoes Regs. 1963 (1963 II, p. 2365)	am., 1964/1174 ...	2685
1376	Cinematograph Films (Distribution of Levy) Regs. 1963 (1963 II, p. 2373)	am., 1964/1168 ...	2656
1392	Sugar (Distribution Payments) (No. 3) O. 1963 (1963 II, p. 2395)	rev., 1964/751 ...	1499
1393	Sugar (Distribution Repayments)(Amdt.) (No. 2) O. 1963 (1963 II, p. 2397)	rev., 1964/751 ...	1499
1394	Composite Sugar Products (Distribution Payments—Average Rates) (No. 3) O. 1963 (1963 II, p. 2399)	rev., 1964/751 ...	1499
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1403	Hire-Purchase and Credit Sale Agreements (Control) (Amdt. No. 5) O. 1963 (1963 II, p. 2413)	rev., 1964/942 ...	2104
1413	Wages Regulation (Baking) (E. and W.) O. 1963 (1963 II, p. 2415)	rev., 1964/972 ...	2203
1450	Therapeutic Substances (Manufacture and Importation) General Regs. 1963 (1963 II, p. 2483)	am., 1964/1076 ...	2380
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1507	Wages Regulation (Retail Furnishing and Allied Trades) (Amdt.) O. 1963 (1963 II, p. 2760)	rev., 1964/1214 ...	2814
1519	Sugar (Distribution Payments) (No. 4) O. 1963 (1963 III, p. 2802)	rev., 1964/751 ...	1499
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1525	Teachers' Salaries (S.) Regs. 1963 (1963 III, p. 2810)	rev., 1964/823 ...	1731
1528	Purchase Tax (No. 3) O. 1963 (1963 III, p. 2872)	rev., 1964/1290 ...	2971
1581	Teachers' Salaries (S.) (Amdt. No. 4) Provisional Regs. 1963 (1963 III, p. 2962)	rev., 1964/823 ...	1731
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1625	Copyright (International Conventions) (Amdt.) O. 1963 (1963 III, p. 3018)	rev., 1964/690 ...	1319
1626	Basutoland, Bechuanaland and Swaziland (High Commissioner) O. 1963 (1963 III, p. 3020)	rev., 1964/1186 ...	2758
1646	Motor Vehicles (Construction and Use) Regs. 1963 (1963 III, p. 3095)	am., 1964/1169 ...	2658
1656	Wages Regulation (Retail Bookselling and Stationery) (Amdt.) O. 1963 (1963 III, p. 3166)	rev., 1964/1277 ...	2932
1670	Motor Vehicles (Authorisation of Special Types) General O. 1963 (1963 III, p. 3183)	am., 1964/1170 ...	2669
1702	Sugar (Distribution Payments) (No. 5) O. 1963 (1963 III, p. 3266)	rev., 1964/751 ...	1499
1703	Sugar (Distribution Repayments)(Amdt.) (No. 4) O. 1963 (1963 III, p. 3268)	rev., 1964/751 ...	1499
1704	Composite Sugar Products (Distribution Payments—Average Rates) (No. 5) O. 1963 (1963 III, p. 3270)	rev., 1964/751 ...	1499
1712	National Health Service (General Dental Services) Amdt. (No. 2) Regs. 1963 (1963 III, p. 3334)	rev., 1964/755 ...	1519
1745	Sugar (Distribution Payments) (No. 6) O. 1963 (1963 III, p. 3360)	rev., 1964/751 ...	1499
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1788	Sugar (Distribution Repayments)(Amdt.) (No. 6) O. 1963 (1963 III, p. 3386)	rev., 1964/751 ...	1499
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1810	Sugar (Distribution Repayments)(Amdt.) (No. 7) O. 1963 (1963 III, p. 3407)	rev., 1964/751 ...	1499
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1901	Sugar (Distribution Payments) (No. 9) O. 1963 (1963 III, p. 3744)	rev., 1964/751 ...	1499
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2011	Import Duty Drawbacks (No. 10) O. 1963 (1963 III, p. 4257)	am., 1964/908 ...	1934
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2027	Sugar (Distribution Payments) (No. 10) O. 1963 (1963 III, p. 4270)	rev., 1964/751 ...	1499
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2073	Firemen's Pension Scheme (Amdt.) O. 1963 (1963 III, p. 4388)	rev. (saving for claims and awards in relation to retirements, deaths, etc., before 1.8.64), 1964/1148	2574
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2088	Northern Rhodesia (Constitution) O. in C. 1963 (1963 III, p. 4532)	am., 1964/919, 1191	2046, 2768
2092	Nyasaland (Constitution) (No. 2) O. in C. 1963 (1963 III, p. 4608)	rev., 1964/916 ...	1955
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42	Sugar (Distribution Repayments) (Amdt.) O. 1964 (1964 I, p. 66)	rev., 1964/751 ...	1499
43	Composite Sugar Products (Distribution Payments—Average Rates) O. 1964 (1964 I, p. 68)	rev., 1964/751 ...	1499
73	National Insurance (Industrial Injuries) (Claims and Payments) Regs. 1964 (1964 I, p. 115)	am., 1964/1111 ...	2475
81	Weights and Measures (Equivalents for dealings with drugs) Regs. 1964 (1964 I, p. 150)	am., 1964/1144 ...	2567
91	Juvenile Cts. (London) O. 1964 (1964 I, p. 153)	am., 1964/870 ...	1827
172	Sugar (Distribution Payments) (No. 2) O. 1964 (1964 I, p. 299)	rev., 1964/751 ...	1499
173	Sugar (Distribution Repayments) (Amdt.) (No. 2) O. 1964 (1964 I, p. 301)	rev., 1964/751 ...	1499
174	Composite Sugar Products (Distribution Payments—Average Rates) (No. 2) O. 1964 (1964 I, p. 303)	rev., 1964/751 ...	1499
229	Designs (Amdt.) Rules 1964 (1964 I, p. 428)	am., 1964/1336 ...	3045
324	Sugar (Distribution Payments) (No. 3) O. 1964 (1964 I, p. 526)	rev., 1964/751 ...	1499
325	Sugar (Distribution Repayments) (Amdt.) (No. 3) O. 1964 (1964 I, p. 528)	rev., 1964/751 ...	1499
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372	Sugar (Distribution Repayments) (Amdt.) (No. 4) O. 1964 (1964 I, p. 560)	rev., 1964/751 ...	1499
373	Composite Sugar Products (Distribution Payments—Average Rates) (No. 4) O. 1964 (1964 I, p. 562)	rev., 1964/1116 ...	2484
455	Civil Aviation (Licensing) (Amdt.) Regs. 1964 (1964 I, p. 727)	rev., 1964/921 ...	2050
492	British Guiana (Registration) O. 1964 (1964 I, p. 822)	rev., 1964/916 ...	1955
493	Nyasaland (Constitution) (Amdt.) O. (1964 I, p. 824)	am., 1964/809, 990	1706, 2231
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809	Price Stability of Imported Products (Levy Arrangements) O. 1964 (1964 II, p. 1706)	am., 1964/989, 1146	2229, 2570
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